

THE  
AMERICAN HISTORICAL  
REVIEW

*BOARD OF EDITORS*

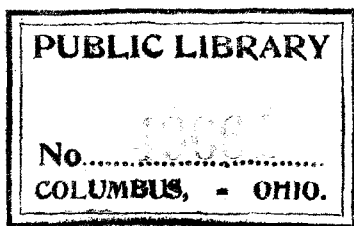
GEORGE B. ADAMS	JOHN BACH McMASTER
ALBERT BUSHNELL HART	WILLIAM M. SLOANE
HARRY PRATT JUDSON	H. MORSE STEPHENS

*MANAGING EDITOR*

J. FRANKLIN JAMESON

VOL. I

OCTOBER 1895 TO JULY 1896



New York  
THE MACMILLAN COMPANY.

LONDON: MACMILLAN & CO., LTD.

1896

COPYRIGHT, 1896,  
By THE MACMILLAN COMPANY.

Norwood Press  
J. S. Cushing & Co. -- Berwick & Smith  
Norwood Mass. U.S.A.

# CONTENTS OF VOL. I

## NUMBER I. OCTOBER, 1895

### ARTICLES

WILLIAM M. SLOANE	History and Democracy . . . . .	I
MOSES COIT TYLER	The Party of the Loyalists in the American Revolution . . . . .	24
HENRY C. LEA	The First Castilian Inquisitor . . . . .	46
HENRY ADAMS	Count Edward de Crillon . . . . .	51
FREDERICK J. TURNER	Western State-Making in the Revolutionary Era ( <i>with Map</i> ) . . . . .	70

DOCUMENTS . . . . .	88
REVIEWS OF BOOKS . . . . .	103
NOTES AND NEWS . . . . .	190

## NUMBER II. JANUARY, 1896

### ARTICLES

HENRY C. LEA	Ferrand Martinez and the Massacres of 1391 . . . . .	209
HENRY C. CAMPBELL	Radisson and Groseilliers . . . . .	226
CHARLES H. LEVERMORE	The Whigs of Colonial New York . . . . .	238
FREDERICK J. TURNER	Western State-Making in the Revolutionary Era. II. . . . .	251
GAILLARD HUNT	Office-Seeking during Washington's Administra- tion . . . . .	270
HARRY A. CUSHING	"The People the Best Governors" . . . . .	284

DOCUMENTS . . . . .	288
REVIEWS OF BOOKS . . . . .	316
BIBLIOGRAPHICAL . . . . .	378
NOTES AND NEWS . . . . .	381

## NUMBER III. APRIL, 1896

### ARTICLES

CHARLES FRANCIS ADAMS	The Battle of Bunker Hill . . . . .	401
MELVILLE M. BIGELOW	The Bohun Wills . . . . .	414
JUSTIN WINSOR	Virginia and the Quebec Bill . . . . .	436
WILLIAM P. TRENT	The Case of Josiah Phillips . . . . .	444

## ARTICLES

WILBUR H. SIEBERT	Light on the Underground Railroad ( <i>with Map</i> )	455
JAMES FORD RHODES	The First Six Weeks of McClellan's Peninsular Campaign . . . . .	464
H. MORSE STEPHENS	Recent Memoirs of the French Directory . . . . .	473

DOCUMENTS . . . . .		490
---------------------	--	-----

REVIEWS OF BOOKS . . . . .		517
----------------------------	--	-----

NOTES AND NEWS . . . . .		587
--------------------------	--	-----

## NUMBER IV. JULY, 1896.

## ARTICLES

HENRY M. BAIRD	Hotman and the "Franco-Gallia" . . . . .	609
MELVILLE M. BIGELOW	The Bohun Wills. II. . . . .	631
CHARLES FRANCIS ADAMS	The Battle of Long Island . . . . .	650
MOSES COIT TYLER	President Witherspoon in the American Revolution . . . . .	671
JOHN S. MURDOCK	The First National Nominating Convention . . . . .	680

DOCUMENTS . . . . .		684
---------------------	--	-----

REVIEWS OF BOOKS . . . . .		702
----------------------------	--	-----

BIBLIOGRAPHICAL . . . . .		760
---------------------------	--	-----

NOTES AND NEWS . . . . .		773
--------------------------	--	-----

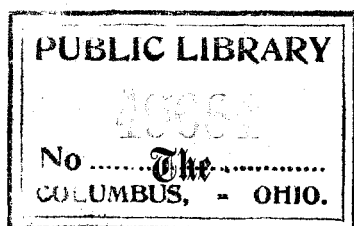
INDEX . . . . .		789
-----------------	--	-----



Volume I]

October, 1895

[Number 1



# American Historical Review

## HISTORY AND DEMOCRACY

MANY careful students of modern life assert that they discern in society a widespread discontent with the results of historical study as pursued to-day. Assuming this feeling to be well founded, they attribute the supposed feebleness of contemporary historical writing to these causes: an unscientific method, the necessary complexity of the subject, and the incapacity of democracies to develop the imagination, either scientific or literary. The truth or untruth of this charge may well engage the attention, both of those who have devoted their lives to historical study and of those who scan the past either for a better understanding of present conditions or for guidance in the future. It may be impossible to refute it absolutely, for we shall be known as we are only after a lapse of time sufficient to secure historical perspective, but there are many weighty considerations which seem to make its validity very doubtful.

The real merit of the evolutionary philosophy which has captured the thought of our day lies in the fact that it has made possible a science of the humanities. Claiming to distinguish sharply between the knowable and the unknowable, the physical and the metaphysical, the natural and the supernatural, it set to work on the inductive method to examine knowable, physical, and natural phenomena by the senses, and to generalize about them by the reason. As is usually the case, it was the unexpected which happened. The so-called laws of nature demanded for their apprehension not merely a notion of uniformity, but a conception of unity so far-reaching that its limits have not yet been found, while at the same time the fundamental ideas of the physical philosopher, without which his theories are vain and his reason misleading, turn out to be metaphysical in the highest

A

(1)

RS: Per  
am

degree, as, for example, the vortex theory in physics, the stereometric chemistry, the reversing dimension in mathematics, and most of the very recent foundation concepts of biology.

On the other hand, identical methods of investigation concerning man, both the race and the individual, began to display possibilities in the orderly arrangement of our knowledge concerning his motives and conduct of which we had hitherto not dreamed. The chance element in human affairs dependent upon the supposed fickleness of the personal will seemed to grow less and less important; and finally the antinomy between liberty and necessity, freedom of choice and the fixity of scientific fact, has ceased to engage the attention of moralists and historians to the exclusion of other important considerations. In the study of the race as a whole, and even of the individual, they have found a broad field within which to work unhampered by undue regard for metaphysics. Paradoxical as it appears, the sciences of man's nature have for a generation past been growing more and more physical, just in proportion as the other sciences have been growing metaphysical; until while the former do not as yet claim to be exact, and do not venture the test of prediction, they nevertheless assert that they are sciences real and practical.

While this is true in a very high degree of jurisprudence, of political science, and of sociology, it is especially true of history. The doctrine of the unity of history has not merely been rehabilitated, but it has been so emphasized that the consequences are simply revolutionary, scientific methods having by its means been introduced into a discipline hitherto venerated as the highest department of prose literature, to be sure, but esteemed by the great critics, and by mankind generally, as on the whole vague and imaginative, as being a picture of the writer's own mind rather than a presentation of facts in an external world, and of reliable deductions from them. Most of us have read with profound sympathy Kant's plaintive call, in view of "the circumstantiality of history as now written," for a "philosophical head deeply versed in history," to point out for posterity "what nations or governments may have performed or spoiled in a cosmopolitical view." The efforts made by such heads to prove and display the unity of history have resulted in just what he longed for,—short treatises on general history which fix with sufficient accuracy the real landmarks of all time, and exhibit them in their proper proportions as to the ascent of man "in a cosmopolitical view." This has not been done very successfully in Kant's own country; for the general histories undertaken or completed in Germany are

either laid out on a scale proportionate to the German mind and no other, or else, like Hegel's, they exhibit nature as having been solely concerned throughout the ages with a plan to bring forth in the fulness of time the Prussian monarchy and the German Empire. But the task of generalization has been done, and that successfully, both in England and in the United States; and, with some brilliancy, even in France, where a concept of that great nation as being, after all, but a single factor in the advance of civilization has finally been accepted. Doubtless the patriotism of any general historian will cause him vigorously to emphasize the importance of his own land in the comprehensive scheme, but to accept the doctrine of the unity of history is already to admit that no country is more than one wheel in the series which moves the hands on the dial-plate of human progress.

The croakers have been saying that indulgence in generalizations must necessarily destroy thoroughness in detail; and the effort is constantly making to discredit the new turn of historical studies by the prophecy that it must result in superficiality. Thus far, at least, the facts all point the other way. Thoroughness has increased in direct ratio with the expansion of the historical horizon. All the sciences of man, whether physical or ethical, have been advanced with a passionate zeal, equal to, if not greater than, that of investigators in the material world, and by the same methods as theirs. Anthropology, mythology, archæology, physical geography, philology, psychology, and all their sisters, each in its own subdivisions, have been attacking and pursuing their various problems by the inductive and comparative method, and with vastly inferior money resources have outstripped in the importance of their results the richly and even lavishly endowed natural sciences. If we remember that our grandfathers had no other general history than that of Rollin, written before the middle of the eighteenth century, and consequently knew the whole field of secular history as divided into Ancient or Græco-Roman, Mediæval, and Modern, each period separated from the other by a great chasm, we shall at once recollect that, thanks to the spade and the science of comparative philology, we have now in Prehistoric Archæology and in Ancient Oriental History two entirely new epochs in the story of man from which the most precious information as to his origin and early advances has been derived. At the same time we have laid the contemporary savage under contribution, and from him we have wrenched details for comparison with early institutions in regard to custom, myth, and social organization which seem likely to be of the first importance. The notion of

chasms has disappeared, and the continuity of history has been established.

But this is not all. Within the strictly limited field of history proper we have revolutionized the whole method of investigation in that we no longer study nations, but epochs. Middle-aged and older men will remember with some amusement the amazing historical charts which used to adorn the walls of schoolrooms, and resembled nothing so much as rainbow-colored rivers vaguely rising at the top, and wandering in viscid streams more or less vertically, according to the law of gravitation or the resistance of the medium, until absorbed one by the other, or lost in the ferule at the bottom. We rule our charts differently now; by straight horizontal lines, nearer or farther apart according to the period of general history with which we are concerned. The great stream is monotone, though not monotonous; and if it be but a single year that we study, we investigate it clear across, from where it scours the channel toward both shores, including even the annals of semi-civilized and barbarous peoples, so far as they seem to affect the current or the eddies. We have found the movement of the race more majestic than that of nations or individuals, the interest in man more intense than that in men or persons, and the development of civilization more instructive than the achievements of heroes. This is true, of course, not so much for the general reader as for students of history. The latter, speaking from their personal experiences, will probably agree that the tremendous revival of interest in history is not so much a revival of interest in historical narrative as in historical study. No university class-rooms are more thronged than those where instruction in history is given; and this is equally as true of those which are concerned with the minute, painstaking study of details in a short epoch as it is of those which seek to impart philosophical or general ideas of method, and stimulate to investigation by laying down broad principles of procedure.

Confessedly, the greatest master of history, equally great as investigator, critic, and writer, was Thucydides. And yet it has frequently and justly been remarked that his narrative has steadily lost in general importance and interest until now he is comprehensible and entertaining only for the scholar. This means that to be appreciated he must be read and considered from his own standpoint and in regard to his own times. None but the scholar can transfer himself to an epoch so remote. It would be an insoluble puzzle to the most intelligent modern reader to find in the pages of so renowned an historical work no mention of the great con-

temporary poets, architects, sculptors, or philosophers, but to have the entire artistic, philosophical, and literary movement of the time—a movement unique in the history of the world—summed up in the passing phrase that the works of men's hands seen by the Athenian were such that "the daily delight of them banishes gloom." It would be equally surprising to the same reader to learn that the speeches which constitute between a fifth part and a quarter of the whole text were never spoken by their reputed authors, but were the composition of the historian himself. These paradoxes the classical scholar can perfectly explain, but the historical scholar, and still more the reader of history, must recognize in them the immense change which has come over the character of history. The student of Thucydides as a craftsman will, however, find in him the whole of modern historical science. The idea of the permanency of his results contained in his famous phrase *κτῆμα ἐς αἰὲν* is carefully founded on four claims: the strict truth of his facts as determined either by personal observation or by the searching criticism of statements made by eye-witnesses; his theme as sufficiently important to affect all nations—whether city states or barbaric empires; the fact that his book was composed and not compiled; the persistent identity of human nature in all ages. Put in another way, these ideas are: scrupulous attention to truth; in an epoch of general history; with a unity of spirit and purpose; and with regard to the human spirit as being always the same, or substantially so.

If, then, every one of our vaunted positions was forestalled twenty-three centuries ago, what is new in the modern science of history? The answer is plain,—the application of them to new knowledge under changed conditions. History will not stay written. Every age demands a history written from its own standpoint,—with reference to its own social condition, its thought, its beliefs, and its acquisitions,—and therefore comprehensible to the men who live in it. Truth, justice, honor, the great principles of human association, have not changed, but man's apprehension of them has steadily grown clearer as his determination to live up to them has grown stronger, and as the individual has become ever more conscious of his powers, both physical and intellectual. For this reason, the seat of sovereign power is never the same in two successive states of society. At the dawn of history, man was the bond-slave of a vague but extensive kinship,—the gens or clan or tribe or city-community; his story has been one of slow and steady approach to an emancipation from the despotism of all kinship except that of the normal monogamous fam-

ily by which the human species is best propagated and without the institution of which it reverts to the level of the brute. Power has been exercised successively or intermittently by patriarchal, theocratic, military, or dynastic sanction until in these last days it is resident in the associated masses of men constituting what we call nations and is imperfectly, though imperiously, expressed by the behests of majorities. These we obey because of an instinctive conviction that with the advance of education and the spread of knowledge there has been a more or less perfect grasp of truth by an ever-increasing number of human beings, until now the majority is likely, in the long run, to decide upon any public question more correctly than the minority. The latter, when oppressed, have always by common consent the indefeasible right to turn themselves into a majority by the agitation of their principles.

Since, then, the individual and the nation interact more rapidly and completely one upon the other than ever before, the facts of their interaction become more numerous and its forms more complex, until contemporary history is apparently the most complex conceivable. If, as we generally admit, the more complex organism is the higher, and progress an advance from simplicity to complexity, this result is a very desirable one and deserves to be described with minuteness and eloquence. Mere political history, for example, will no longer suffice for a public hungering after information. The social, industrial, commercial, æsthetic, religious, and moral conditions of the common man are so determinative in our modern life that we now demand some account of them from the history of every period, in order that we may have clear notions of their genesis and development in the past for our guidance in the present. And inasmuch as they so sensibly affect our own politics, we expect the historian to explain how they affected past politics,—being loath to believe that they were as unimportant as the tenor of histories written in the past would seem to indicate. This demand is not altogether intelligent, for the complexity may be only apparent. The continuity of race-life, the persistence of its characteristics, the vigor and vitality of the “stirp,” to use Galton’s phrase, have become increasingly evident. The stream, flowing beneath the surface like a sunken rill, wells up from time to time, mingling in one place with mould and loam to moisten and invigorate a productive soil; in another, boiling between the fissures of the rock as a crystal spring to refresh the traveller; in another, losing itself amid shifting grains of obdurate minerals to create a dangerous quicksand, or, again,

soaking some bed of dying vegetation to breed miasms and engender the deceitful swamp lights. But the quality and substance of the undercurrent are identical in each case, the action of environment producing the widely different results. Of course every metaphor halts; for in the case of race-life, the same vital power or plasm is transferred, apparently without hurt, through the channel of generations temporarily dwarfed or crippled, to reappear with all its pristine strength and goodness in a later generation more favorably placed amid normal external influences. Not to make invidious mention of any single instance, every reader will recall certain well-known convict colonies established several generations ago in different parts of the world which are now thriving, wholesome societies. If this conception be true, history, as the record of a continuous race-life, not only may, but must, concern itself with enduring essentials rather than with temporary incidentals, in which case it will become with time more and more simple, as well as more and more unitary.

Another proof of how dangerous is the effort to meet the general unintelligent expectation of complex detail in historical writing will be found in the analytical study of history as composed by the great masters of the past. We are often interested though not instructed by those who in our day seek to meet this expectation, as we observe their struggles to fit present terms to bygone conditions. Their predecessors took a course directly the opposite; for when they felt an incongruity between current language and old ideas, they sought for new forms of expression, or even omitted matters only partially relevant, rather than mention them under the load of reservation necessary to prevent misunderstanding. They knew that masses of verbiage give undue prominence to the underlying idea, however much the writer may disclaim his intention to do so. It is a very significant fact of the historical record that we can in many cases actually distinguish successive states of society one from the other by examining the historian's theme and his treatment of it, studying the characteristic terms he employs for his purposes. Thucydides almost created a new language, and he mentions the chryselephantine statue of Athene only to say that it contained gold which might be useful for the expenses of warfare in case of need, the Parthenon only as having absorbed sums which would otherwise have been available for the same purpose. We are not to suppose that the historian was insensible to the beauty either of sculpture or of architecture, but we are to conclude that the wholesome and spontaneous æstheticism of Greek life was a very minor consideration when



the state was in danger, when the prestige of Athens was jeopardized, or when the historian had in mind to record a movement as far-reaching in its political influence as the Peloponnesian war. In other words we may thus estimate the proportionate value of politics and æsthetics in Athens at the time of Pericles, we may distinguish the greatness of the matter in the self-denial which kept Thucydides to a single theme, but we may not mark him down as a clod, unable to appreciate those objects of perfect beauty, the mere crumbling remnants of which move us to ecstasy. J. R. Green once said jokingly to Freeman: "You are neither religious, literary, nor social." In precisely the same way it could be said of Thucydides that he was neither religious, literary, social, nor æsthetic, if he be judged from the space given in his works to the descriptive treatment of those themes. But in no sense could it be said of him that he did not take into account their influence in political history.

This illustration is perhaps somewhat overweighted, but it will serve to accentuate a truth, that in the state whose free elements formed a society the most elaborately democratic so far known, it did not appear essential to the greatest historical critic who has ever lived that even the most striking unpolitical features of public and private life should be interwoven with his narrative. A similar conclusion might be drawn from the pages of Tacitus, or even of Gibbon and Montesquieu. The lesson of all this for us is that we must not go too far in yielding to a popular clamor, nor admit that the weight of the individual in modern life entitles his occupations and beliefs to more than a certain moderate share in the story of the organism to which he belongs. We are too apt to regard the study of institutions, of religion, of economics, and of art as being history itself, instead of taking their results as the material of history. This distinction is a very nice one, and difficult to draw in practice. But surely it can be done by those who are equipped for the task of writing real history. Such authors will keep the emphasis on the state and on the organs by which it nourishes and prolongs its life; on its instruments of self-protection and the use made of them; on the features of its identity and the inter-relation of its personality with individual men and with other states; on its conduct in peace and war and the principles which guide it; or in more technical phrase on government and administration, on diplomacy and international relations. In biography we are, as is entirely right, chiefly concerned with the personality of the man and his relations with other men; we are but incidentally concerned with his daily food,



his seasonable clothing, his medicines, his bodily characteristics, or the habits which build up his frame; we are somewhat more concerned with his beliefs, his education, his instincts, but of these we judge by his conduct more than by his opportunities or by his statements. While all analogy between the organic life of the state and the organic life of man is highly dangerous, yet in this one respect we may note that, as in the case of the man behavior is the essential thing, so the conduct of the state, which expresses the resultant life of those who compose it, is the essential matter of history.

This brings us to a thought which must be emphasized in the interest of historical studies in America, the conviction that the use of complex materials in history as now written and the consequent discursiveness of its style, both resulting so often in length, dullness, and obscurity, are in no sense due to the prevalence of democracy as the governmental form of civilized nations. This opinion has been so often reiterated that it has come to be extensively admitted as a fact. It is said that literature has been sacrificed on the altar of science, that the imagination has been eclipsed by facts, and that interest has been immolated before the Moloch of details. Instances like that of the poet Heine have been potent in the support of this conclusion. Beginning as the fierce protagonist of freedom in religion and politics, he continued long in the career of a radical agitator. But he came to believe at last that democracy must necessarily abandon beauty for utility, the poetry of life for material comfort, and must quench all artistic aspiration in the interest of equality and fraternity. In the end, therefore, he apostatized, burned his polemic verses, tore down the shrines he had erected to his revolutionary divinities, parted from Pantheism and his Pagan gods alike, and then in the interest of personality, without which there can be no human will and consequently no poetry, made his peace with the Almighty, resigned himself, and died.

But we venture to think that Heine's temporary malady was essentially European, and not cosmopolitan. The thought of his time, as of the present day among the scholars of the continent, displays an intense weariness of the past, a yearning to be rid of the old failures and to try new experiments. Quite the contrary is characteristic of America, which, though neither optimistic nor pessimistic, is essentially conservative and melioristic. The democracy of Europe is young, radical, and fierce, that of English America, though determined, has the modesty of long experience. The two are antipodal, and the evidence of this is conclusive

wherever they are brought into juxtaposition, as they are so constantly on our own shores. Radical democracy in any degree will of course level down and not up, and so destroy all greatness both in the making and in the writing of history. No tranquillity can be found by those who possess power either in its abandonment as an act of self-abnegation or in its compulsory surrender to sheer numbers. The experiment has often been tried and found a failure. Judging human nature from what it has always been, such a dead level of mediocrity as the radical democrat yearns for will be just as impossible in the future as would be, let us say, that abolition of all authority, concerning which anarchists vapor and dream. There will always be rulers and ruled at least, and that relation in itself promises a sufficient inequality for the literary element in true history. Even if eminence go no further than the temporary tossings of the sea waves, which fall back to their level when the storm is over and gone, may we not remember that nothing has more constantly or permanently aroused the human imagination than the great plain of the ocean? Viewed from the standpoint either of the individual atoms or of the great mass itself, an orderly modern democracy can now, as it has done before, furnish abundant room for the play of talent, if it exists, either in the practical statesmanship of its own age, or in the investigation of the states and statesmen of other ages.

It must be confessed that on the whole the imaginative literature of the United States, like its creative art, has not been either very abundant or strikingly original. But the American people have been otherwise engaged than in enjoying lettered ease. They have been prolific in discoveries by natural science and in inventions, successful in the management of their external and internal affairs, and at the same time have worked out reforms of the first magnitude in evils which were their birth portion. When the ability which has hitherto been concerned with material things, in making homes, establishing fortunes, securing educational facilities and creating a well-ordered society, when this power and zeal are turned toward the things of the spirit, as with the advance of time they must be, then if we fail we may lament our barrenness; but until then we have faith in Providence and dare to be hopeful. In one department of literature, moreover, and that the highest form of prose composition, we have already been eminently successful: to wit, in the writing of history. This was because there were appreciative readers; a fact due to what would *a priori* be least expected from a democracy, the sentimental fondness of the masses for great

men and great deeds, and a desire to be acquainted with details concerning both. Precisely because of the complete civil and political equality which exists among us we have dared to develop aristocracy in governmental forms, to emphasize without danger to our institutions, political, social, intellectual, and even moneyed inequality, to become a nation of passionate hero-worshippers. Incidentally it may be remarked that although in all this there may have been no direct danger to our institutions there has been some menace to our morality. We have set such a premium on energy, merely as energy, that we too often condone its use of immoral means. But our main consideration is after all strengthened by this very consideration, namely, that our democracy, as far as it has gone, has done its share in the world's writing of history, and that it has furnished, as it probably will continue to furnish, most abundant material of every variety in the making of history.

Nothing is so much needed in a headstrong, self-reliant, and self-conscious people like ourselves as to explain and emphasize the proper dimensions of our national history, and to understand our proportionate share in general history. Viewed from one standpoint we are very young, our story is very short and our importance in the great world-drama is very recent. To the continental European, the man of the masses, we are an overgrown, childish, and turbulent land, mainly populated by unintelligent emigrants from Ireland, Germany, and Italy, who are in part criminals, in part malcontents, and in part adventurers: we are devoid of historic sense, as we are without historic continuity; entirely absorbed in money getting, utterly material in our politics, and successful only because our country has a fertile soil and is rich in minerals, besides being so enormous that as yet we not only have not solved but are entirely unfamiliar with any of the terrible social problems arising from overgrown or congested population. This opinion has been carefully created in many lands by the public press, is more or less fostered even in universities, and is not entirely absent in the intelligent and ruling classes. It exists because there is a reason for it. We are, in fact, constantly pleading both our youth and our isolation for all sorts of preposterous experiments in finance, in society, and in politics, and we are taken at our word. It is the fashionable and successful jargon of the stump-speaker to decry the experience of other worlds and other times as having no value for us. We are nearly swamped in certain great cities by the sludge thrown upon our shores from the governments of Europe, in the shape of the shiftless, stupid, and, too often, crim-

inal elements of their populations, who are either fugitives from justice, or else are encouraged by the authorities of the countries that produced them to go into exile as the simplest means of rid-dance. Publicity is essential to purity in a democratic government, and these characteristics of our life are much bruited, while the currents of agitation and sanitation set in motion to counteract the evils pass unnoticed beneath the surface.

But there is also a scholarly as well as a popular view of American history from the European standpoint, which regards it as proportionately short and narrow. As it is often expressed in Germany, France, and England, though not frequently published in serious works, we are a part of England switched off. The siding is not long and does not bid fair to be lengthened; or, to change the metaphor, we illustrate what biologists call arrested development. Starting with the society, religion, and politics of eighteenth-century England, we adapted her constitution by slight changes to state democracy and to a national federal system — there, according to this view, we stopped: our land-laws and methods of administration, urban and rural, are as we took them, our faiths have been preserved with ultra-conservatism, our language is eighteenth-century English, our literature is a faint, distorted reflection of successive stages in English literary development; our art and dress are borrowed from France, our science and educational systems are appropriated from Germany, but not assimilated. This view, in short, charges us with having remained colonial, if not parochial. It is held by them that taunt us with not belonging to the family of nations. We have, as they think, buried our human talent, struggling only to retain what we have, or to get what we can without risk; our concerns are entirely with ourselves, with our own comfort and luxury, with our own peace of mind and ease of conscience. We have, they assert, no external relations as a nation, because we have no high principle based on experience which we care to defend. Because we refuse to take the heavy burden on our shoulders of costly armaments for preserving and spreading civilization, we can have little pride in our own advance, little faith in the superiority of our living. Our politics are purely commercial, our public interests those of tradesmen, our policy to borrow in gold and pay in silver at an arbitrary valuation. We are conservative in religion, because it is comfortable to be so; we are not inquisitive doubters with sore and quickened consciences, because we are afraid to face the consequences of investigation. In short, we are like the Sidonians, dwelling careless, quiet, and secure as regards the great moral and intellec-

tual struggles of the world at large. That there is some truth in this view no serious American, who has held up the mirror to his land and age, can deny.

In all probability it will be admitted by the well-informed and studious among us that, owing to the circumstances of our origin, we have been disposed in controversy to lay too much stress on theory and too little on experience. We were hard-pressed when we forswore allegiance to the English Parliament but admitted fealty to the English crown, when we abandoned the position of basing our liberties on charter grants and appealed to our rights as Englishmen, when we substituted for the cry of "no representation, no taxation," that of "no representation, no legislation," when we based the legitimacy of revolutionary state conventions upon the authorization of an irregular continental congress, and when finally we appealed to the sympathy of the world and the judgment of the God of battles. The French alliance and our temporary bitterness toward the motherland made us fond of France as of a generous sympathetic ally, but it may later have made us too familiar with the wire-drawn speculations of the eighteenth century and we were probably too receptive to the radicalism of the French Revolution when we saw how England stubbornly repelled even the constructive and righteous elements in that movement. Our historical teachers may have sat too long at the feet of German Gamaliels, imbibing too much dangerous doctrine concerning the sanctity of authority as established; as a people we certainly have come to emphasize unduly the organic character of government, to overestimate the systematic nature of political science, political economy, and jurisprudence, and as a consequence to consider the state as an organism existing only to secure purely economic interests. It seems, too, that public opinion often substitutes legality for morality and accepts expediency in place of rectitude. Like Achan, we have from motives of selfishness concealed the spoils of the Philistines in the tents of Judah, involving the children in the retribution visited on the fathers. It is no excuse to plead that as a nation we are in this respect but one among many sinners, that it is human for the administrator to lay hold on the easy theories of so-called political science, for a struggling people to admire the sounding phrases of state-craft: the lessons of history are recondite and the commandments of political experience are hard.

Whatever truth may lie in the indictments brought against us ought to be taken to heart, not in the spirit of sensitiveness, but in one of earnest purpose to weigh the possibilities of reform for

our own and for righteousness' sake. We can well afford to be indifferent to allegations either captious or based on ignorance, and certain charges may be brushed away without ceremony. We are not isolated. The ocean is now less of a barrier at the worst seasons of the year than some of our great rivers were in mid-winter a century ago; we are in quicker, easier communication with Europe than the nations of that continent were with each other three generations since. We ourselves make use of the means of intercourse and travel to a degree that gives uneasiness to American chauvinists, while others come to us, not in proportion as we go to them, but at least in sufficient numbers to awaken interest and to spread abroad such fame as we have beyond the seas. Nor can we justly be charged with unreceptiveness. We are much troubled with a conceit which sometimes makes us appear averse to using foreign ideas, but we have none of that hurt and fiery national pride or of that stolid self-satisfaction which embitter the relations of European nations to each other. At heart our motto is: "Get the Best," and, instead of feeling ashamed of the charge of eclecticism, there is nothing of which we should be prouder than of the desire to get and keep anything good for us, no difference what its origin. Mixed races and mixed civilizations have been the most persistent in the history of man. It is a great mistake to suppose that there can be nothing American except it originate from Anglo-Saxon sources on the soil of the United States. There are men on every part of the globe and ideas in every land that are American in the high sense which we should like to attach to that word. This fact has been fairly well understood, for our history has not been one of origins, but exactly the contrary. No movement with the sententious but false cry of America for the Americans has ever been successful among us. Wise as the forefathers were to generalize from experience, the sons have erected with equal wisdom on their foundation a proud superstructure built of materials more stubborn and heterogeneous than any the founders had to handle, and have devised for the new nation a plan so generous and commodious that it is not likely to be carried to completion for ages to come. To say that we are unwilling to suffer for ideas and indifferent as to the spread of our civilization is amusing. The maps of 1756, when compared with those of 1895, will show what proportion of the earth's surface we have pre-empted for our civilization in something more than a century and a quarter, and it can be asserted without fear of contradiction that more men of Anglo-Saxon blood have perished in battle for a principle in the single county of Spottsylvania, in Virginia, than England



has lost up to this moment in all the conflicts of her foreign wars.

What, therefore, the historic movement of our democracy may be thought to lack in duration finds ample compensation in intensity. But we must go still further and declare the common admission that it lacks in duration to be both cowardly and dangerous. The civilization of the United States is not an early-ripe one, verging to decay before reaching normal maturity. We are Europeans of ancient stock, and a change of skies did not involve a new physical birth for our society. Doubtless, environment modified our development, but the well-ordered, serious life which we brought with us from England, Scotland, Ireland, Holland, Germany, and France we have preserved and developed, at least as well as those who stayed at home. But we have done far more. Having created a set of distinctively American institutions, we have enlarged and strengthened them for the purposes of millions to whom they were originally foreign, and have already secured for constitutional government a longer life and greater comprehensiveness than it has had in any other country except England. The dreadful system of African slavery which came with us from the Europe of a mercenary and mercantile age, we have painfully destroyed, although we wrestle still with the race problems entailed upon us by its creation and abolition. We have settled at great cost of life and money one of the fundamental questions which the founders left open,—that of extreme states' rights. We have ploughed under and assimilated successive deposits of foreign immigrations, and have rendered them as beneficent as those made on Egypt's soil by the inundations of the Nile, feeling ourselves the stronger for their fertility and strength. In this progress, we have not been like a mariner afloat with a compass; we have, rather, been like the explorer of the wilderness, who, while he presses forward, is ever turning to observe the landmarks behind him in order to direct his course by fixing a line from which he must not deviate. To this, and to this alone, we owe the measure of success we have enjoyed. We have been historic in a double sense,—not merely by the long duration of our colonial and separate existence, but, in spite of assertions to the contrary, by the careful attention we have given to the past. The most numerous and important of our institutions, being based on experience, have endured, the few and unessential ones which were founded in theory have fallen into disuse.

It seems to be the opinion of the keenest observers beyond the Atlantic that the old world of to-day is weary of the past.

The movements of the hour in Europe claim for themselves independence, long-used models are rejected, and the modern age sets up its own ideals. Some of those most thoroughly versed in history — Grimm, the great art-historian, for example — confess their disappointment at the emptiness of historical study, demanding both comfort and guidance, not from the past but from the present, finding grounds for hope only in the possibilities of the future. And, what is even more instructive, the public of these critics displays no amazement. It was the stock criticism of European newspapers during the Chicago exposition that its buildings and general effect were neither original nor modern. The architecture, they confessed, was beautiful, and the arrangement admirable, but the models were classical, the style European, the aim historic. This they declared was disappointing, — the close of the nineteenth century in the most modern of all countries should have produced something not hitherto seen, should have used steel construction boldly and without the concealment of stucco, and it should have devised suitable architectural forms of beauty to display the American spirit, if such a thing there be. It was thought that in this respect our efforts compared unfavorably with those made in the previous world's fair at Paris. The European yearning for modernity and futurity hinted at by these illustrations could be further traced in the art and literature of the "decadence," in the daring socialistic legislation of France and Germany, and in many other directions. This tendency from experience towards theory, from adaptation towards experiment, from progress on traditional lines to advance on untried paths, is in no sense characteristic of America, as yet. The easy circulation of ideas throughout the globe may bring it hither, but if it comes or when it comes, and a conservative democracy guiding itself by the lights of history is transmuted into a radical ochlocracy moving by impulse or steering by wreckers' beacons, then, as it takes no prophetic gift to foretell, we shall have anarchy and ruin.

History, we may rest assured, is none the less history because it is scientific or democratic. But, in an age that is both, the character of it will be of necessity somewhat different from what it was in the days which were imaginative and aristocratic or absolutist. If this be admitted, the final question naturally arises, — whether it will continue to be literary in the old or in any sense. Must the bark of literary history be moored to shores from which the waters are receding and, sinking into the ooze, lie forgotten for ages, until disinterred like a Viking ship and preserved as an archaeological curiosity; or may it follow the channel



of human life into the new lands whither the stream winds its course? To this question, the answer must be both theoretical and historical. Theoretically considered, the reply will be affirmative; for, after twenty-four centuries, we have no reason to question the validity of the Greek historian's opinion that human nature will remain identical (or nearly so) with what it has always been. There will be, we may suppose, the two sorts of historical writing known in his time,—compilation and composition. It does not seem, after examining, contrasting, and comparing the Athenian with the American democracy, as if the proportion of compilers to authors were any greater now than then, the former useful class being in both places overwhelmingly in the majority. The highest form of literary, as it is of historical, criticism is to separate the permanent from the transitory in its own age. Compared with that, the appreciation of what has stood the test of time is child's play, however difficult the adequate and judicious appropriation of the past may be. Investigation, though absolutely essential, resembles the work of the quarryman whose blocks of stone are as enduring as the inert hills, and exactly for the same reason. But the use of the blocks by the artist is quite another matter. To imagine a plan, to inspire it with genius, to adapt the means to the end, to compel unity and harmony,—this is the work of the maker, the composer, the poet. No age has been without such creators, and although, like the stars, they differ one from another in glory, yet we may be sure that in our time there are at least minor historians in the best sense and luminaries of the first magnitude also, if only our critical judgment can distinguish them.

Even if we were to admit for the sake of discussion, as we should be unwilling to admit for any other reason, that the materials of history as once written, kings, courts, and battles, were more interesting in themselves than presidents, parliaments, and social conditions, yet still the most modest truth is not destitute of interest, especially when it is the truth about men. It is this which Cervantes thought made all history sacred, truth in some degree being essential to it, *y donde está la verdad, está Dios en quanto á verdad*. We are accustomed to say and with good reason that the history of art, pure or applied, is the truest of all histories. The meanest potsherd, like the greatest statue, was made to satisfy a want; the objects of daily life throughout the ages were made to gratify natural wholesome desire; they have no concealed motive in them and no pretence to be what they are not; they express sincerely the spirit of their time. So likewise the democratic man

B

is moved by the emotions he feels, and his character is expressed in the institutions he devises in order to secure what he longs for. The individual may be deceitful and what he writes may be the curtain behind which he manœuvres: but what he does and the record he makes in doing it are as artless as the utensil he designs and the ornamentation he puts upon it. Moreover, in the modern democracy, the individual of every rank is an insider. In ancient and mediæval democracies the laborer was either a slave or a powerless serf. When in the majority, he could only influence affairs indirectly or by revolution: to-day he has at hand every instrument known to those who work with their heads or with their capital; and he wields one which they have not,—the force of numbers. Theoretically then the truth should be easier to discern and more self-evident in our time than ever before. If the literary artist be at hand, his task of investigation should be easier than that of his predecessors and his materials should be more reliable than ever; the product of his genius ought, consequently, to be more splendid.

There is one other point which deserves attention in connection with these theoretical considerations, and that is the attitude of the reader. Without sympathetic and careful readers there can be no artistic history, exactly as there can be no poetry, no sculpture, no painting without an appreciative and discriminating public. Does such a public exist for the historian? That the readers of history are numerous will not be denied, if we may judge from the publishers' announcements and from the records of our libraries. The histories of our day which the public esteems pass through many editions and are sold at prices which books of no other class can command. But of the intellectual quality among these readers it is not so easy to speak with confidence. On the one hand it is true that our most careful workers, men like Bancroft or Parkman or Alexander Johnston, or those of the living whose names will occur to every reader, seem to create an audience for themselves without difficulty. But it is also true, on the other hand, that this may be due to that mere desire for information which is not one of the best signs of the times. Whether readers rise from perusing the best products of the day with any definite conception of the historian's spirit and purpose is another question.

The systematic teaching of history in our schools and colleges is still far to seek. The larger universities have an imposing array of historical chairs, but they do not demand as a condition of entrance to their lecture rooms a thorough knowledge of general history. For the most part it is American history which, in deference to patriotic but unintelligent public opinion, is set as the subject of

preliminary work ; although in a few cases English history is admitted as a substitute. In other words, the logical process of teaching is exactly reversed, and our youth begin with a highly specialized subject of historical study before they have laid the foundation of general liberal knowledge. The educated class being thus poorly equipped at the very outset by the fault of our system, a bias toward some specialty easily prejudices the immature judgment as to other portions of history and emphasizes the value of materials with regard to themselves and to the particular structure into which they enter. The historical reviewers of our great journals are, with a few fine exceptions, examples of how specialties overshadow the genuine system of which they are a part. In order to display their own erudition the critics must belittle that of the writer, and so attention is directed not to him nor to the complete product of his mind, but to his materials, his canvas, his colors, his brushes or what not, anything but the picture he has made. The burden of the reviewer's instruction generally is that the reader is not to tolerate preaching or mere writing, but that he must scrutinize the facts and the authority on which assertions are made. Of the requirement of accuracy there can be no complaint : but the correlation and presentation of the facts cannot be done by mere arrangement or without the very discursiveness which is stigmatized as ornament, style, preaching, or fine writing ; and it is in this correlation and explanation of the causal relation that the highest capacity of the true historian is displayed. May we not hope that, in time, the paramount importance of this truth will be recognized by intelligent readers, and that they will be on the lookout not for new information solely nor for erudite reference to archives, rare books and manuscript authorities alone, but for the method and spirit which constitute the intellectual personality of the writer, in order to judge not only of his industry but of his spiritual dimensions? Without this there can be no historical literature and none of that leadership in historical opinion, the absence of which renders the whole science vague and nugatory. Great minds only can construct systems, and the knowledge which is unrelated to philosophy has little value, if indeed it be anything more than curious information.

Turning from speculation to examine historically what are the chances in America for history that shall be alike scientific and artistic, the prospect is certainly not discouraging, unless the retrospect be entirely misleading. Since the earliest settlement of the country, the Europeans who chose it for their home have been deeply impressed with the significance of the enterprise in

which they were engaged, and in consequence have been determined that a permanent record of their experiences should be kept. In the seventeenth century we had among the cavaliers that boastful and loquacious travel-writer and hero-worshipper, Captain John Smith, whose pictures and pages emphasize the importance of small beginnings, especially when guided by so truly great a man as himself. We have his quaint countertype among the Puritans in gossiping, rhyming Edward Johnson, to whom plain people were the substance of history. And in that century, too, we had the grave and trustworthy governors, Bradford and Winthrop, who, with equal piety and grace, delineated the two settlements with which they were respectively concerned as links in the divine plan, as correlated with the moral order of the universe. The next hundred years gave us five historical writers of note: for New England, Cotton Mather, the monument of erudition and credulity, Thomas Prince, the scholarly collector and annalist, and Thomas Hutchinson, the first philosophic American historian; for the South, Robert Beverley, geographer and historian of Virginia, with William Stith, the laborious and accurate compiler of her early records. The century of our independence is often designated the classic era of our historical writing; and, indeed, it would be difficult for any country in any age to display a galaxy of names more brilliant than that which is composed of Gordon, Marshall, Irving, Bancroft, Hildreth, Prescott, Motley, and Parkman. So splendid has been their achievement in various lines of work that a sense of hopelessness frequently manifests itself in the present and rising generation, a feeling that the nation must have exhausted itself, at least temporarily, in producing such learning and industry, and that an interval of incubation must elapse before such vigor can be shown again in the same direction.

This was, as may be imagined, far from being the sentiment of the numerous and enthusiastic muster of historical students which selected an editorial board to found this review. It is not the opinion of the liberal guarantors who have come to its financial support, nor of the subscribers whose assistance shows warm approval of its plan. For no one of these classes have either the editors or the writer a mandate to speak. Any attempt to foreshadow the character and sphere of a publication, the prospect of which seems already to have awakened much interest, must be purely personal, and marked by the diffidence of irresponsibility. But it appears as if *THE AMERICAN HISTORICAL REVIEW* owed its existence to certain plain facts, and that its character must depend

upon certain self-evident truths. In the first place, there is no check on the course of historical study in the United States: on the contrary, the volume becomes daily greater. In the second place, there is no decrease in the number of historical writers. Confined no longer, as in a former epoch, to the elegant, wealthy, and studious society of Federalist New England, they are now found in every district of the land, and among men of every shade of political and religious opinion. In the third place the reading public is daily enlarging, and its intelligence, as we trust, is proportionately increasing. These phenomena are probably both cause and effect with regard one to the other; but, taken as a whole, they create a grave responsibility, which earnest and patriotic men have long felt should be recognized and assumed by somebody. This is the responsibility for co-ordination and intelligent criticism in historical work. The strength of this feeling has long been noticeable; and when at last, in several centres of learning simultaneously, it became too strong for repression, the movement to give it outlet and direction was virtually spontaneous among all historical workers. The unity of purpose and the disinterestedness displayed were unique in the history of similar movements, so far as the United States are concerned. The universities laid aside their rivalries, scholars emerged from their closets, representatives of cities and districts contending for distinction as literary hearthstones banished every jealousy, there was a singleness of hearty feeling, and a sturdy good-will to overcome all obstacles.

This review, therefore, must, by the auspices under which it begins, display the largest catholicity possible, and an impartiality willing always to hear the other side. It can in no sense be an organ of any school, locality, or clique. Controversial it certainly must be, but we trust always within the limits of courtesy. The mission of critic, to which reference has been made, implies much. There is something in the very word "criticism" which in established usage indicates blame; and we too often use it as synonymous with sarcasm and depreciation. But among the countless advances made by the human spirit none is greater than the substitution of the constructive for the destructive notion in the highest and most advanced criticism. It is in this direction that we hope the new periodical will move. Its primary object is indicated by its name of Review. No doubt it must and should print articles embodying the results of investigation and monographs of importance; but it ought chiefly to be a critical review, fearless to denounce a bad or superficial book which solicits public favor, equally courageous to sustain one which presents unpopular truth,

and sufficiently learned to give reasons for its opinions. Incidentally, too, the amount of notice should as far as possible be indicative of the relative values of the volumes named. Finally, it must assist historical scholars by furnishing materials that could not otherwise be published, and by keeping its professional readers abreast with the latest news in the field which most interests them. Believing that our democracy with its growing numbers, wealth, and influence will nevertheless remain historically minded and therefore afford proportionate support to the best historical work, we trust that all the elements it embraces may find representation and encouragement in these pages. The profounder our study of ourselves, the stronger will grow our conviction of the organic relation between our own history and that of the world. Every division of the field of general history from the earliest to the latest times should be represented here as it is among American investigators. At the same time the orientalist and the classicist, being compelled to use philology, archæology, and the other disciplines kindred to history, as the chief instruments of their work, have each their own particular and special periodicals: so also have the students of political economy, political science, and jurisprudence; we can have no intention to appropriate the fields already pre-empted by their able reviews. Consequently, therefore, in the selection of material for our readers, while we shall welcome contributions in ancient history, oriental or classical, we must emphasize the importance of mediæval, modern, and contemporaneous history, not excluding a fair consideration for uncontroversial ecclesiastical investigation, and using all these terms in a sense so broad as to put no hampering limitation upon them, remaining ever hospitable to themes in the line of biography or historical philosophy, and especially to discussions of method and system in historical science. The disciplines concerned with humanity claim as an advantage over those concerned with the external world that they have no hard and fast boundaries, and that they afford free play to the discursive faculties. We must frankly confess that expediency, timeliness, and similar considerations will necessarily govern those who manage an historical journal like this one, but as far as the present writer has understood the deliberations of his colleagues, their general purpose is indicated, though roughly, in the sketch he has given of their aims during the time they are intrusted with the charge of *THE AMERICAN HISTORICAL REVIEW*. Its ability to sustain its interest, to secure the strongest contributors, to preserve its independence, to furnish valuable material, and to do the best work generally for the cause to which it is devoted

will now depend on the kindly consideration and material support of the large public to which it appeals ; for it is already assured of the hearty co-operation of scholars and specialists. Whatever measure of money is intrusted to it will be entirely expended in the returns made to the readers. The editors and guarantors feel themselves amply rewarded by their opportunity to serve a great cause.

WILLIAM M. SLOANE.



## THE PARTY OF THE LOYALISTS IN THE AMERICAN REVOLUTION

### I

THERE cannot be a more authentic introduction to the Loyalists of our Revolution, than is to be had through an acquaintance with their literature. As we turn over the pages of that literature, — political essays, pamphlets, sermons, songs, satires, epigrams, burlesques, lampoons, — a literature now having almost a pathetic insignificance as it slumbers under a hundred years of dust and contempt, — perhaps the first notable fact that calls for attention is, that, in point of time, its development lags somewhat behind that of the Revolutionist party, and does not become of much value until within the twelvemonth preceding the Lexington and Concord skirmishes, — that is, until about the time of the Congress of 1774.

Of course, from the very beginning of the dispute there had been American writers who, while doubting the wisdom of the colonial policy of the English ministry, likewise doubted the soundness of the constitutional claim set up in opposition to it by many of their American brethren; and, at any rate, deprecated all violent or extreme measures in the assertion of that claim. Nevertheless, during the eight or ten years prior to 1774, it might fairly have been assumed that this Anglo-American dispute was but one of a long series of political disagreements that had broken out, at various times, in John Bull's large and vivacious family, and that this particular dispute would probably run its natural course and come to an end, just as its predecessors had done, without any permanent rupture of the interior relations of the family, and, indeed, to the great advantage of all its members through a clearer definition of those constitutional principles which had enabled them all to live together so long under the same enormous and kindly roof. Not until after the failure of Lord North's clever device for inducing the Americans to take the taxation which they liked so little, along with that cheering beverage which they liked so much, was it necessary for any person to regard the dispute as one of peculiarly deep and tragical import. It was, per-



haps, on account of this confidence of theirs in the natural limitations of the problem then vexing the colonies and the mother-country, that so many of the ablest conservative writers in America refrained, in that stage of affairs, from engaging very actively in the discussion. Thus it is that we may in a measure explain why, in this controversy, so little part was taken prior to 1774 by the most powerful of all the Loyalist writers, — Daniel Leonard, Joseph Galloway, Samuel Seabury, and Jonathan Odell.

But with the events of the years 1773 and 1774, came a total change in the situation, and in the attitude of all parties toward it: first, the repulsion of the gentle tea-ships by several American communities, and the destruction of valuable property belonging to liegemen of the king; then the series of stern retaliatory measures to which Parliament was thereby drawn; finally, by one large portion of the colonists, the fearless summons for a great council of their own delegates, solemnly to determine and to proclaim some common plan of action. With the gathering of this celebrated council—the First Continental Congress—the wayfaring American though a fool could not err in reading, in very crimson letters painted on the air in front of him, the tidings of the arrival of a race-crisis altogether transcending those ordinary political altercations which had from time to time disturbed, and likewise quickened and clarified, the minds of his British ancestors.

Naturally, therefore, from about this time the process of political crystallization among the colonists went on with extraordinary rapidity. Then, every man had to define both to himself and to his neighbor, what he thought, how he felt, what he meant to do. Then, too, the party of insubordination in these thirteen agitated communities had, for the first time, a common and a permanent organ for the formulation of the political doctrine and purpose which should sway them all. Finally, around this official and authoritative statement of doctrine and purpose, the opposing tendencies of thought could clash and do intelligent battle, — having a set of precise propositions to fight for or to fight against, and having, likewise, the grim consciousness that such fight was no longer a merely academic one.

In a valid sense, therefore, it may be said that the formation of the great Loyalist party of the American Revolution dates from about the time of the Congress of 1774. Moreover, its period of greatest activity in argumentative literature is from that time until the early summer of 1776, when nearly all further use for argumentative literature on that particular subject was brought to an end by the Declaration of Independence. The writings of the

Loyalists, from the middle of 1776 down to 1783, form no longer a literature of argumentative discussion, but rather a literature of emotional appeal, exultant, hortatory, derisive, denunciatory, — a literature chiefly lyrical and satirical.

## II

Even yet, in this last decade of the nineteenth century, it is by no means easy for Americans — especially if, as is the case with the present writer, they be descended from men who thought and fought on behalf of the Revolution — to take a disinterested attitude, that is, an historical one, toward those Americans who thought and fought against the Revolution. Both as to the men and as to the questions involved in that controversy, the rehearsal of the claims of the victorious side has been going on among us, now for a hundred years or more, in tradition, in history, in oration, in song, in ceremony. Hardly have we known, seldom have we been reminded, that the side of the Loyalists, as they called themselves, of the Tories, as they were scornfully nicknamed by their opponents, was even in argument not a weak one, and in motive and sentiment not a base one, and in devotion and self-sacrifice not an unheroic one. While the war was going forward, of course the animosities aroused by it were too hot and too fierce, especially between the two opposing groups of Americans, to permit either party in the controversy to do justice to the logical or to the personal merit of the other. When at last the war came to an end, and the champions of the Revolution were in absolute triumph, then the more prominent Tories had to flee for their lives; they had to flee from the wrath that had come, and to bury themselves, either in other lands or in obscure places of this land. Then, of course, they and all their detested notions and emotions and deeds, whether grand or petty or base, went down out of sight, submerged beneath the abhorrence of the victorious Revolutionists, and doomed, as it appears, to at least one solid century of oratorical and poetical infamy, which has found its natural and organized expression in each recurring Fourth of July, and in each reappearance of the birthday of Washington. May it not, however, at last be assumed that a solid century should be, even under such conditions, a sufficient refrigerator for overheated political emotion? May we not now hope that it will not any longer cost us too great an effort to look calmly, even considerately, at least fairly, upon what, in the words and acts of the Tories, our fathers and grandfathers could hardly endure to look

at all? And, surely, our willingness to do all this can hardly be lessened by the consideration that, "in dealing with an enemy, not only dead, but dead in exile and in defeat, candor prescribes the fullest measure of generous treatment."<sup>1</sup> At any rate, the American Revolution affords no exemption from the general law of historic investigation,—that the truth is to be found only by him who searches for it with an unbiassed mind. Until we shall be able to take, respecting the problems and the parties of our own Revolution, the same attitude which we freely and easily take respecting the problems and parties of other revolutions—that is, the attitude, not of hereditary partisans, but of scientific investigators—will it be forbidden us to acquire a thoroughly discriminating and just acquaintance with that prodigious epoch in our history.

### III

As preliminary to some examination of the argumentative value of the position taken by the Loyalist party, let us inquire, for a moment, what recognition may be due to them simply as persons. Who and what were the Tories of the American Revolution? As to their actual number, there is some difficulty in framing even a rough estimate. No attempt at a census of political opinions was ever made during that period; and no popular vote was ever taken of a nature to indicate, even approximately, the numerical strength of the two opposing schools of political thought. Of course, in every community there were Tories who were Tories in secret. These could not be counted, for the good reason that they could not be known. Then, again, the number of openly avowed Tories varied somewhat with variations in the prosperity of the Revolution. Still further, their number varied with variations of locality. Throughout the entire struggle, by far the largest number of Tories was to be found in the colony of New York, particularly in the neighborhood of its chief city. Of the other middle colonies, while there were many Tories in New Jersey, in Delaware, and in Maryland, probably the largest number lived in Pennsylvania,—a number so great that a prominent officer<sup>2</sup> in the Revolutionary army described it as the "enemies' country." Indeed, respecting the actual preponderance of the Tory party in these two central colonies, an eminent champion of the Revolution bore this startling testimony: "New York and Pennsylvania were so nearly divided—if their propensity was

<sup>1</sup> Winthrop Sargent, Preface to *The Loyalist Poetry*, etc., vi.

<sup>2</sup> Timothy Pickering.

not against us—that if New England on one side and Virginia on the other had not kept them in awe, they would have joined the British.”<sup>1</sup> Of the New England colonies, Connecticut had the greatest number of Tories; and next, in proportion to population, was the district which was afterwards known as the State of Vermont. Proceeding to the colonies south of the Potomac, we find that in Virginia, especially after hostilities began, the Tories were decidedly less in number than the Whigs. In North Carolina, the two parties were about evenly divided. In South Carolina, the Tories were the more numerous party; while in Georgia their majority was so great that, in 1781, they were preparing to detach that colony from the general movement of the rebellion, and probably would have done so, had it not been for the embarrassing accident which happened to Cornwallis at Yorktown in the latter part of that year.

If we may accept these results as giving us a fair, even though crude, estimate concerning the local distribution of the Tories, we have still to come back to the question which deals with their probable number in the aggregate. Naturally, on such a problem, the conclusions reached by the opposing parties would greatly differ. Thus, the Tories themselves always affirmed that could there have been a true and an untainted vote, they would have had a great majority; and that the several measures of the Revolution had not only never been submitted to such a test, but had been resolved upon and forced into effect by a few resolute leaders who, under the names of committees of correspondence, committees of observation, committees of safety, conventions, and congresses, had assumed unconstitutional authority, and had pretended, without valid credentials, to speak and to act for the whole population of their towns, or counties, or provinces. To translate the Tory explanation into the language of the present day, it may be said that, in their belief, the several measures of the Revolution were the work of a well-constructed and powerful political machine, set up in each colony, in each county, in each town, and operated with as much skill and will and unscrupulousness as go into the operation of such machines in our time. This opinion, which, in its substance, was most ably presented in those days by the Tory writers, has been adopted by a very candid English historian now living, who says of the American Revolution that, like most other revolutions, it “was the work of an energetic minority, who succeeded in committing an undecided and fluctuating majority to courses for

<sup>1</sup> *The Works of John Adams*, X. 63.

which they had little love, and leading them step by step to a position from which it was impossible to recede."<sup>1</sup>

Of course, with such an estimate as to the superior numbers of the Tories, their own opponents did not agree; but they did admit that the Tory party was at any rate a very large one. Perhaps no statesman on the Whig side was better informed on such a subject than John Adams, or was less inclined to make an undue concession to the enemy; and he gave it as his opinion that about one-third of the people of the thirteen States had been opposed to the measures of the Revolution in all its stages.<sup>2</sup> This opinion of John Adams, which he affirmed more than once in the latter part of his life, was on one occasion mentioned by him in a letter to his old compatriot, Thomas McKean, Chief Justice of Pennsylvania, a signer of the Declaration of Independence, and a member of every American Congress from that of 1765 to the close of the Revolution. "You say," wrote McKean in reply, "that . . . about a third of the people of the colonies were against the Revolution. It required much reflection before I could fix my opinion on this subject; but on mature deliberation I conclude you are right, and that more than a third of influential characters were against it."<sup>3</sup>

Out of three millions of people, then, at least one million did not approve of the policy of carrying their political opposition to the point of rebellion and separation. According to John Adams and Thomas McKean, every third American whom we could have encountered in this part of the world between 1765 and 1783 was a Loyalist. Surely, an idea—a cause—that was cherished and clung to, amid almost every form of obloquy and disaster, by so vast a section of American society, can hardly deserve any longer to be turned out of court in so summary and contemptuous a fashion as that with which it has been commonly disposed of by American writers.

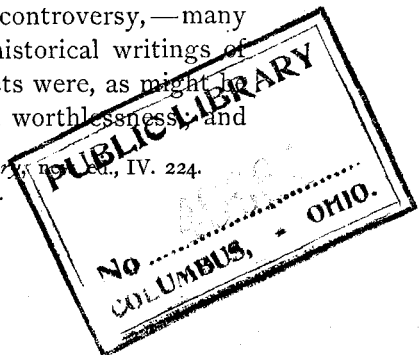
#### IV

After the question of number, very properly comes that of quality. What kind of people were these Tories, as regards intelligence, character, and standing in their several communities?

And here, brushing aside, as unworthy of historical investigators, the partisan and vindictive epithets of the controversy,—many of which, however, still survive even in the historical writings of our own time,—we shall find that the Loyalists were, as might be expected, of all grades of personal worth and worthlessness, and

<sup>1</sup> Lecky, *A History of England in the Eighteenth Century*, new ed., IV. 224.

<sup>2</sup> *The Works of John Adams*, X. 63, 110.    <sup>3</sup> *Ibid.*, 87.



that, while there was among them, no doubt, the usual proportion of human selfishness, malice, and rascality, as a class they were not bad people, much less were they execrable people—as their opponents at the time commonly declared them to be.

In the first place, there was, prior to 1776, the official class; that is, the men holding various positions in the civil and military and naval services of the government, their immediate families, and their social connections. All such persons may be described as inclining to the Loyalist view in consequence of official bias.

Next were certain colonial politicians who, it may be admitted, took a rather selfish and an unprincipled view of the whole dispute, and who, counting on the probable, if not inevitable, success of the British arms in such a conflict, adopted the Loyalist side, not for conscience' sake but for profit's sake, and in the expectation of being rewarded for their fidelity by offices and titles, and especially by the confiscated estates of the rebels, after the rebels themselves should have been defeated, and their leaders hanged or sent into exile.

As composing still another class of Tories, may be mentioned probably a vast majority of those who stood for the commercial interests, for the capital and the tangible property of the country, and who, with the instincts natural to persons who have something considerable to lose, disapproved of all measures for pushing the dispute to the point of disorder, riot, and civil war.

Still another class of Loyalists was made up of people of professional training and occupation,—clergymen, physicians, lawyers, teachers,—a clear majority of whom seem to have been set against the ultimate measures of the Revolution.

Finally, and in general, it may be said that a majority of those who, of whatever occupation, of whatever grade of culture or of wealth, would now be described as conservative people, were Loyalists during the American Revolution. And by way of concession to the authority and force of truth, what has to be said respecting the personal quality commonly attaching to those who, in any age or country, are liable to be classed as conservative people? Will it be denied that within that order of persons, one may usually find at least a fair portion of the cultivation, of the moral thoughtfulness, of the personal purity and honor, existing in the entire community to which they happen to belong?

Precisely this description, at any rate, applies to the conservative class in the American colonies during that epoch,—a majority of whom dissented from those extreme measures which at last trans-

formed into a revolution a political movement which began with the avowed purpose of confining itself to a struggle for redress of grievances, and within the limits of constitutional opposition. If, for example, we consider the point with reference to cultivation and moral refinement, it may seem to us a significant fact that among the members of the Loyalist party are to be found the names of a great multitude of the graduates of our colonial colleges — especially of Harvard, William and Mary, Yale, Princeton, and Pennsylvania. Thus, in an act of banishment passed by Massachusetts, in September, 1778, against the most prominent of the Tory leaders in that State, one may now read the names of three hundred and ten of her citizens. And who were they? Let us go over their names. Are these the names of profligates, and desperadoes, or even of men of slight and equivocal consideration? To any one at all familiar with the history of colonial New England, that list of men, denounced to exile and loss of property on account of their opinions, will read almost like the beadroll of the oldest and noblest families concerned in the founding and upbuilding of New England civilization. Moreover, of that catalogue of three hundred and ten men of Massachusetts, banished for an offence to which the most of them appear to have been driven by conscientious convictions, more than sixty<sup>1</sup> were graduates of Harvard. This fact is probably a typical one; and of the whole body of the Loyalists throughout the thirteen colonies, it must be said that it contained, as one of its ablest antagonists long after admitted, "more than a third of influential characters," — that is, a very considerable portion of the customary chiefs and representatives of conservatism in each community.

By any standard of judgment, therefore, according to which we usually determine the personal quality of any party of men and women in this world — whether the standard be intellectual or moral, or social, or merely conventional — the Tories of the Revolution seem to have been not a profligate party, nor an unprincipled one, nor a reckless or even a light-minded one, but, on the contrary, to have had among them a very considerable portion of the most refined, thoughtful, and conscientious people in the colonies. So true is this, that in 1807 a noble-minded Scottish woman, Mistress Anne Grant of Laggan, who in her early life had been familiar with American colonial society, compared the loss which America suffered in consequence of the expatriation of the Loyalists by the Revolution, to the loss which France suffered in consequence

<sup>1</sup> George E. Ellis, in *Narr. and Crit. Hist. Am.*, VII. 195.



of the expatriation of so many of her Protestants by the revocation of the Edict of Nantes.<sup>1</sup>

So much, then, must be said on behalf of the Tories of the Revolution,—in point of numbers, they were far from inconsiderable, and in point of character, they were far from despicable. On the one hand, they formed no mere rump party. If they were not actually a majority of the American people,—as they themselves always claimed to be, and as some careful scholars now think they were,—they did at least constitute a huge minority of the American people: they formed a section of colonial society too important on the score of mere numbers to be set down as a paltry handful of obstructives; while in any rightful estimate of personal value, quite aside from mere numbers, they seem to deserve the consideration which conscientious and cultivated people of one party never ask in vain of conscientious and cultivated people of the opposite party,—at least after the issues of the controversy are closed.

## V

Pressing forward, then, with our investigation, we proceed to apply to the American Loyalists that test by which we must judge any party of men who have taken one side, and have borne an important share in any great historical controversy. This is the test of argumentative value. It asks whether the logical position of the party was or was not a strong one.

Even yet it is not quite needless to remind ourselves that the American Revolution was a war of argument long before it became a war of physical force; and that, in this war of argument, were involved a multitude of difficult questions,—constitutional, legal, political, ethical,—with respect to which honest and thoughtful people were compelled to differ. All these questions, however, may, for our purposes, be reduced to just two: first, the question of what was lawful under the existing constitution of the British empire; and secondly, the question of what was expedient under the existing circumstances of the colonies. Now, paradoxical as it may seem to many of the American descendants of the victorious party, each of those questions had two very real and quite opposite sides; much was to be said for each side; and for the Tory side so much was to be said in the way of solid fact and of valid reasoning, that an intelligent and a noble-minded American might have taken that side, and might have stuck to it, and might have gone into battle for it, and might have imperilled all the interests of his

<sup>1</sup> Mrs. Anne Grant, *Memoirs of an American Lady*, etc., 353.



life in defence of it, without any just impeachment of his reason or of his integrity — without deserving to be called, then or since then, either a weak man or a bad one.

That we may develop before our eyes something of the argumentative strength of the Loyalist position, in the appeal which it actually made to honest men at that time, let us take up for a moment the first of the two questions to which, as has just been said, the whole dispute may be reduced, — the question of what was lawful under the existing constitution of the British Empire. Let us strike into the very heart of that question. It was the contention of the American Whigs that the British Parliament could not lawfully tax us, because by so doing it would be violating an ancient maxim of the British constitution: "No taxation without representation." Have we not all been taught from our childhood that the citation of that old maxim simply settled the constitutional merits of the whole controversy, and settled it absolutely in favor of the Whigs? But did it so settle it? Have we not been accustomed to think that the refusal of the American Tories to give way before the citation of that maxim was merely a case of criminal stupidity or of criminal perversity on their part? But was it so?

On the contrary, many of the profoundest constitutional lawyers in America, as well as in England, both rejected the foregoing Whig contention, and at the same time admitted the soundness and the force of the venerable maxim upon which that contention was alleged to rest. Thus the leading English jurists, who supported the parliamentary taxation of the colonies, did not dispute that maxim. Even George Grenville, the author and champion of the Stamp Act, did not dispute it. "The colonies claim, it is true," said he, "the privilege which is common to all British subjects, of being taxed only with their own consent, given by their representatives. And may they ever enjoy the privilege in all its extent; may this sacred pledge of liberty be preserved inviolate to the utmost verge of our dominions, and to the latest pages of our history! I would never lend my hand toward forging chains for America, lest, in so doing, I should forge them for myself. But the remonstrances of the Americans fail in the great point of the colonies not being represented in Parliament, which is the common council of the whole empire, and as such is as capable of imposing internal taxes as impost duties, or taxes on intercolonial trade, or laws of navigation."<sup>1</sup>

<sup>1</sup> Given in George Bancroft, *History of the United States*, last revision, III. 98. These sentences of Grenville, which are not to be found in Hansard, seem to have been

These words of Grenville may help us to understand the position of the American Loyalists. They frankly admitted the maxim of "No taxation without representation"; but the most of them denied that the maxim was violated by the acts of Parliament laying taxation upon the colonies. Here everything depends, they argued, on the meaning to be attached to the word "representation"; and that meaning is to be ascertained by ascertaining what was understood by the word in England at the time when this old maxim originated, and in the subsequent ages during which it had been quoted and applied. Now, the meaning then attached to the word in actual constitutional experience in England is one which shows that the commons of America, like the commons of England, are alike represented in that great branch of the British Parliament which proclaims its representative character in its very name,—the House of Commons. During the whole period in which the maxim under consideration had been acquiring authority, the idea was that representation in Parliament was constituted, not by the fact of a man's having a vote for a member of Parliament, but by the fact of his belonging to one of the three great divisions of the nation which were represented by the three orders of Parliament,—that is, royalty, nobility, commonalty. Thus if you are a member of the royal family, the monarch is your representative, when he acts in his capacity as the highest of the three orders of Parliament, and this though you never voted for him, as of course you never did. Again, if you are a member of the nobility, and yourself without a seat in the House of Lords, you are represented in Parliament by the members of that house, even though you never voted for any of them. So, too, if you are of the commonalty, you are represented in Parliament by the men composing the House of Commons, even though you may never have had a vote for any of its members. In short, the old English idea of representation was, that the three great orders of the British Parliament—king, lords, and commons—represented severally the three great classes of the British people, to which their names correspond,—royalty, nobility, and commonalty,—and that they did so by virtue of the fact that each order might justly be supposed to be identified with the interests and to be familiar with the needs and the demands of its own class. Therefore, the historic meaning of the word "representation," as it was used in English constitutional expe-

compiled by Bancroft from several contemporary reports to be met with in private letters from persons who heard Grenville. Compare 18th ed. of Bancroft, V. 237, note.

rience, is a meaning which shows that the commons of America, as an integral part of the commons of the British Empire, are to all intents and purposes represented in that great branch of the British Parliament which, by its very name, announces itself as standing in a representative character towards the entire British commonalty.

It was no sufficient reply to this statement to say, as some did say, that such representation as has just been described was a very imperfect kind of representation. Of course it was an imperfect kind of representation; but, whatever it was, it was exactly the kind of representation that was meant by the old constitutional maxim thus cited; for it was the only kind of representation practised, or known, or perhaps ever conceived of in England during all those ages which had witnessed the birth and the growth of this old formula. The truth is that representation, as a political fact in this world, has thus far been a thing of degrees—a thing of less and of more; that perfect representation has even yet not been anywhere attained in this world; that in the last century representation in England was very much less perfect than it has since become; and, finally, that, in the period now dealt with, what had always been meant by the word “representation” in the British Empire was satisfied by such a composition of the House of Commons as that, while its members were voted for by very few even of the common people in England, yet, the moment that its members were elected, they became, in the eye of the constitution and in the spirit of this old formula, the actual representatives of all the commoners of the whole empire, in all its extent, in all its dominions and dependencies.

Accordingly, when certain English commoners in America at last rose up and put forward the claim that, merely because they had no votes for members of the House of Commons, therefore that House did not represent them, and therefore they could not lawfully be taxed by Parliament, it was very naturally said, in reply, that these English commoners in America were demanding for themselves a new and a peculiar definition of the word “representation”; a definition never up to that time given to it in England, and never of course up to that time claimed or enjoyed by English commoners in England. For, how was it at that time in England with respect to the electoral privilege? Indeed, very few people in England then had votes for members of the House of Commons,—only one-tenth of the entire population of the realm. How about the other nine-tenths of the population of the realm? Had not those British subjects in England as good a right as these British

subjects in America to deny that they were represented in Parliament, and that they could lawfully be taxed by Parliament? Nay, such was the state of the electoral system that entire communities of British subjects in England, composing such cities as Leeds, Halifax, Birmingham, Manchester, and Liverpool,—communities as populous and as rich as entire provinces in America,—had no votes whatever for members of Parliament. Yet, did the people of these several communities in England refuse to pay taxes levied by act of Parliament—that is, did they, for that reason, proclaim the Nullification of a law of the general government? “We admit,” continued the American Loyalists, “that for all these communities of British subjects—for those in England, as well as for these in America—the existing representation is very imperfect; that it should be reformed and made larger and more uniform than it now is; and we are ready and anxious to join in all forms of constitutional agitation, under the leadership of such men as Chatham, and Camden, and Burke, and Barré, and Fox, and Pownall, to secure such reform; and yet it remains true that the present state of representation throughout the British Empire, imperfect as it is, is representation in the very sense understood and practised by the English race whenever hitherto they have alleged the maxim,—‘No taxation without representation.’ That old maxim, therefore, can hardly be said to be violated by the present imperfect state of our representative system. The true remedy for the defects of which we complain is reform—reform of the entire representative system both in England and in America—reform by means of vigorous political agitation—reform, then, and not a rejection of the authority of the general government; reform, and not Nullification; reform, and not a disruption of the empire.”

Such is a rough statement, and, as I think, a fair one, of the leading argument of the American Loyalists with respect to the first of the two great questions then dividing the American people, namely, the question of what was lawful under the existing constitution of the British Empire. Certainly, the position thus taken by the Loyalists was a very strong one,—so strong, in fact, that honest and reasonable Americans could take it, and stand upon it, and even offer up their lives in defence of it, without being justly liable to the charge that they were either peculiarly base, or peculiarly stupid.

Indeed, under this aspect of legality, the concession just made by us does scant justice to the Tories—or to the truth. The dispute, it must be remembered, had arisen among a people who were then subjects of the British Empire, and were proud of the fact;

who exulted in the blessings of the British constitution; and who, upon the matter at issue, began by confidently appealing to that constitution for support. The contention of the Tories was that, under the constitution, the authority of the imperial Parliament was, even for purposes of revenue legislation, binding in America, as in all other parts of the empire, and even though America should have no members in the House of Commons. This the Whigs denied. It was, then, a question of British constitutional law. Upon that question, which of the two parties was in the right? Is it now possible to doubt that it was the Tories? A learned American writer upon the law, now one of the justices of the Supreme Court of the United States, in referring to the decision of Mr. Chief Justice Hutchinson sustaining the legality of Writs of Assistance, has given this opinion: "A careful examination of the question compels the conclusion . . . that there was at least reasonable ground for holding, as a matter of mere law, that the British Parliament had power to bind the colonies."<sup>1</sup> This view, of course, has been sustained by the highest English authorities upon British constitutional law, from the time of Lord Mansfield to the present. "As a matter of abstract right," says Sir Vernon Harcourt,<sup>2</sup> "the mother-country has never parted with the claim of ultimate supreme authority for the imperial legislature. If it did so, it would dissolve the imperial tie, and convert the colonies into foreign and independent states." "The constitutional supremacy of the imperial Parliament over all the colonial possessions of the crown," says another eminent English writer, "was formally reasserted in 1865, by an act passed to remove certain doubts respecting the powers of colonial legislatures. . . . It is clear that imperial acts are binding upon the colonial subjects of the crown, as much as upon all other British subjects, whenever, by express provision or by necessary intendment, they relate to or concern the colonies."<sup>3</sup>

But after the question as to what was lawful under the existing constitution of the British Empire, came the question as to what was expedient under the existing circumstances of the American colonies. Now, as it happened, this latter question had two aspects, one of which pointed toward the expediency of rejecting the taxing power of parliament, even though such power did exist

<sup>1</sup> Horace Gray, *Quincy's Mass. Reports: 1761-1762*, Appendix I., page 540.

<sup>2</sup> Writing as "Historicus," in *The Times*, for June 1, 1876, and cited in A. Todd, *Parliamentary Gov. in the Brit. Col.*, 27.

<sup>3</sup> A. Todd, *Parl. Gov.*, etc., 189. The act of Parliament above referred to, is 28 & 29 Vict. (1865), cap. lxiii., secs. 1, 2.

under the constitution ; the other pointed toward the expediency of separation from the empire.

Having in view, at present, the former aspect of this question, the American Whigs went forward and took the ground that, if the claim of Parliament to tax them was indeed justified by the constitution, then so much worse for the constitution, — since it was a claim too full of political danger to be any longer submitted to : “ If Parliament, to which we send no members, may tax us three pence on a pound of tea, it may, if it pleases, tax us a shilling, or a guinea. Once concede to it this right to tax us at all, and what security have we against its taxing us excessively? — what security have we for our freedom or our property against any enormity of oppression? ” And what was the answer of the American Tories to this argument? “ Yes,” said the Tories, “ you allege a grave political danger. But does it really exist? Is it likely ever to exist? Are you not guilty of the fallacy of arguing against the use of a power, simply from the possibility of its abuse? In this world every alleged danger must be estimated in the light of common sense and of reasonable probability. In that light, what ground have we for alarm? The line drawn by the supreme legislature itself for the exercise of its own power, is a perfectly distinct one, — that it should tax no part of the empire to a greater amount than its just and equitable proportion. As respects America, the supreme legislature has not yet overstepped that line ; it has shown no disposition to overstep that line ; we have not the slightest reason to suppose that it ever will overstep that line. Moreover, all the instincts of the English race are for fair play, and would be overwhelmingly against such an injustice, were Parliament to attempt it. It is thought in England that as we, British subjects in America, receive our share of the benefits of membership of the empire, so we ought to pay our share toward the cost of those benefits. In apportioning our share of the cost, they have not fixed upon an amount which anybody, even here, calls excessive ; indeed, it falls rather below than above the amount that might justly be named. Now, in this world, affairs cannot be conducted — civilization cannot go on — without confidence in somebody. And in this matter, we deem it reasonable and prudent to have confidence in the good sense and in the justice of the English race, and especially of the House of Commons, which is the great council of the commoners of the English race. True, we do not at present send members to that great council, any more than do certain great tax-paying communities in England ; but, then, no community even in England has, in reality, so many representatives in

Parliament—so many powerful friends and champions in both houses of Parliament—as we American communities have: not only a great minority of silent voters, but many of the ablest debaters and party-leaders there,—Barré, and Pownall, and Conway, and Fox, and Edmund Burke in the lower house, and in the upper house Lord Camden, and, above all, the great Earl of Chatham himself. Surely, with such men as these to speak for us, and to represent our interests in Parliament and before the English people, no ministry could long stand, which should propose any measure liable to be condemned as grossly beyond the line of equity and fair play.”

The Americans who took this line of reasoning in those days were called Tories. And what is to be thought of this line of reasoning to-day? Is it not at least rational and fair? Even though not irresistible, has it not a great deal of strength in it? Even though we, perhaps, should have declined to adopt it, are we not obliged to say that it might have been adopted by Americans who were both clear-headed and honest-minded?

And this brings us to the second aspect of the question of expediency,—the great and ultimate issue of the whole controversy,—that of Independence. Of course, no one pretended that separation from the empire was a right provided for by the constitution. All admitted that it could be resorted to only as a revolutionary measure required by some vast and commanding need in the existing circumstances of the American colonies. And what was the attitude of the American Tories respecting the project for independence?

In order to answer this question, we shall need to translate the word used for separation from the empire into its modern American equivalent. For, just as the Whig doctrine for the rejection of the taxing-power of the general government meant what in the nineteenth century we have known under the name of Nullification, so the Whig doctrine of separation from the empire meant precisely what we now mean by the word Secession. The American Revolution had just two stages: from 1765 to 1776, its champions were Nullifiers, without being Secessionists; from 1776 to 1783, they were also Secessionists, and, as the event proved, successful Secessionists. The word Independence was merely a euphemism for national disunion, for a disruption of the British Empire. What the Whig leaders resolved to do, under the name of Independence, about the middle of the year 1776, seemed to the American Tories of that time precisely the same political crime as, to the people of the Northern States, seemed



the measure undertaken by certain Southern leaders, in the latter part of 1860, under the name of Secession. In short, the Tories of the American Revolution, concerning whose standing in history we are now making inquiry, took between 1776 and 1783 constitutional ground similar to that taken by the people of these Northern States and by the so-called Loyalists of the Southern States between 1861 and 1865; that is, they were champions of national unity, as resting on the paramount authority of the general government.

Finally, the whole strength and dignity of their historic claim is not appreciated until we recall the fact that, for the first ten or twelve years of the Revolution, — from 1764 to 1776, — the entire Whig agitation was conducted on a perpetual disavowal of the purpose or the desire for independence. In every form in which a solemn affirmation could be made and reiterated, it was affirmed by the Whigs during all those years that the only object of their agitation was to obstruct and to defeat a bad ministerial policy, thereby to secure a redress of grievances; that, as for independence, it was the thing they abhorred, and it was mere calumny to accuse them of designing or of desiring it. Nearly all the greatest Whig pamphleteers prior to 1776 — James Otis, Daniel Dulany, John Dickinson, and Alexander Hamilton — abjured independence as a measure full of calamity and crime. The Stamp Act Congress, speaking in the name of the several colonies, declared that their connection with Great Britain was their “great happiness and security,” and that they “most ardently” desired its “perpetual continuance.”<sup>1</sup> In January, 1768, the Massachusetts House of Representatives sent to their agent a letter of instructions, written by James Otis, and thus defining their opposition to the renewal by Parliament of its policy of taxing the colonies: “We cannot justly be suspected of the most distant thought of an independency on Great Britain. Some, we know, have imagined this; . . . but it is so far from the truth that we apprehend the colonies would refuse it if offered to them, and would even deem it the greatest misfortune to be obliged to accept it.”<sup>2</sup> In June, 1774, the same legislative body elected delegates to the First Continental Congress; and in their letter of instructions, signed by Samuel Adams, they declared that “the restoration of union and harmony between Great Britain and the colonists” was “most ardently desired by all good men.”<sup>3</sup> The First Continental Congress, in its solemn petition to the king, adopted October 26,

<sup>1</sup> *Prior Documents*, 29, 31.      <sup>2</sup> *Ibid.*, 167.

<sup>3</sup> *Journals of the Am. Cong.*, I. 2.

1774, professed the most devoted loyalty: "We wish not a diminution of the prerogative. . . . Your royal authority over us, and our connection with Great Britain we shall always carefully and zealously endeavor to support and maintain."<sup>1</sup> In March, 1775, Benjamin Franklin, then in London, repeated the statement which he had made in the previous year to Lord Chatham, that he had never heard in America one word in favor of independence "from any person, drunk or sober."<sup>2</sup> In May, 1775, shortly after American blood had been shed at Lexington and Concord, George Washington, crossing the Potomac on his way to the Second Continental Congress, was met midway in the river by a boat containing his friend, the Rev. Jonathan Boucher; and while their boats touched, Boucher kindly warned Washington that the errand on which he was going would lead to civil war and to an effort for independence. Such apprehensions were vigorously scouted by Washington, who then added, as Boucher says, "that if ever I heard of his joining in any such measures, I had his leave to set him down for everything wicked."<sup>3</sup> Soon after Washington's arrival at Philadelphia, and after the news had been received there of the bloody transactions at Lexington and Concord, the Continental Congress resolved upon a dutiful petition to the king, assuring him that, although his ministry had forced hostilities upon them, yet they most ardently wished "for a restoration of the harmony formerly subsisting between" the mother-country and the colonies.<sup>4</sup> The Americans who had just fought at Lexington and Concord, and the Americans who, a few days later, were to fight at Bunker Hill, would have spurned as a calumny the accusation that their object in fighting was independence. Washington's appointment as commander-in-chief, which was made two days before the battle of Bunker Hill, contained no intimation that he was to lead the armies in a struggle for independence. As soon as the news of his appointment reached Virginia, his old military company there sent him their congratulations on the honor he had received, closing their letter with the wish that all his "counsels and operations" might be directed by Providence "to a happy and lasting union between us and Great Britain."<sup>5</sup> On the 6th of July, 1775, the Congress which had thus appointed Washington to lead

<sup>1</sup> *Journals of the Am. Cong.*, I. 49.

<sup>2</sup> *The Complete Works of Benjamin Franklin*, Bigelow ed., V. 446.

<sup>3</sup> *Notes and Queries*, 5th ser., VI. 82-83.

<sup>4</sup> *Journals of the Am. Cong.*, I. 73.

<sup>5</sup> *Writings of Washington*, Sparks ed., III. 5, note.

their armies against the troops of the king, adopted their celebrated declaration, "setting forth the causes and necessity of their taking up arms," wherein they say: "Lest this declaration should disquiet the minds of our friends and fellow-subjects in any part of the empire, we assure them that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. . . . We have not raised armies with ambitious designs of separating from Great Britain, and establishing independent states."<sup>1</sup> When, a few days later, that declaration was read to General Putnam's troops, parading on Prospect Hill, near Boston, they greeted, with three loud cries of "Amen," the passage in which the Almighty was implored to dispose their adversaries "to reconciliation on reasonable terms."<sup>2</sup> More than two months after the battle of Bunker Hill, Jefferson wrote to a kinsman of his that he was "looking with fondness towards a reconciliation with Great Britain."<sup>3</sup> More than three months after that battle, the Committee of Chester County, Pennsylvania, with Anthony Wayne as their chairman, issued a statement denying that, in taking up arms, the people of that county intended "to overturn the Constitution by declaring an independency," and expressing their "abhorrence even of an idea so pernicious in its nature."<sup>4</sup> As late as the 22d of October, 1775, when Jeremy Belknap went to the American camp to officiate as chaplain, he publicly prayed for the king.<sup>5</sup> As late as December 25, 1775, the revolutionary Congress of New Hampshire officially proclaimed their disavowal of any purpose "aiming at independence," — a disavowal which they incorporated into the new constitution for New Hampshire adopted on the 5th of January, 1776.<sup>6</sup>

Such, then, upon the subject of Independence, was the attitude of all classes and parties in America during the first ten or twelve years of the Revolution. In just one sentiment all persons, Tories and Whigs, seemed perfectly to agree; namely, in abhorrence of the project of separation from the empire. Suddenly, however, and within a period of less than six months, the majority of the Whigs turned completely around, and openly declared for Independence, which, before that time, they had so vehemently repudiated.

<sup>1</sup> *Journals of the Am. Cong.*, I. 103.

<sup>2</sup> D. Humphreys, *Miscellaneous Works*, 271.

<sup>3</sup> *The Writings of Thomas Jefferson*, Ford ed., I. 482.

<sup>4</sup> *Am. Archives*, 4th ser., III. 794, 795.

<sup>5</sup> *Life of Belknap*, by his granddaughter, 96, 97.

<sup>6</sup> *The Federal and State Constitutions*, Poore ed., II. 1279.

What were the reasons for this astonishing change of front? Whatever they were, they were not such as to command the assent of all the members of the Whig party. For, at this sudden change of front, not a few of the men who had acted with the Whigs refused to follow the party any longer, and themselves became Tories.<sup>1</sup> What, then, did these new Tories say to their old associates, respecting the new direction taken by the Whig party? "It cannot be," said they, "that you have thus entered upon this long repudiated measure for Independence, because you really think that the objects for which we began the agitation and have thus far conducted it, cannot be obtained within the empire. All our demands are on the point of being granted. Our great friends in Parliament—Chatham, Camden, Burke, Conway, Barré, and the rest,—continually send us word that complete success is in sight; that if we will but hold on to our plan of agitation for larger rights inside the empire, retaining our allegiance, they can help us; that if we run up the flag of separation, of independence, we shall at once discredit them, and destroy all their power to be of any further use to us; that these political demands of ours have thus far been made by us after the method of our English ancestors, who, in cases of need, have roughly acquired an increase of political privilege, doing this as loyal subjects with weapons in their hands, and even enrolled as troops, never in the spirit of treason, never for the rejection of allegiance, never for the dissolution of national unity; that, even now, Lord North is quite ready to grant all our terms; that though the king still holds out against any concession, even he will have to yield to the people and to Parliament; that commissioners will soon be on their way hither to negotiate with us, and to concede to us that measure of local self-government which we have hitherto proclaimed as our sole object in the controversy; that by persisting a little longer in the line of action upon which we have hitherto conducted the whole movement, we shall certainly win for ourselves every political advantage we have ever professed to desire, and shall become a group of great, free, self-governing colonies within the British Empire. But as separation from the empire is not called for by any requirement of political safety, so our present resort to it would show either that we are fickle in opinion, or that we are political hypocrites—as our enemies have always charged us with being—and that, under all our disavowals of the purpose or the wish for Independence, we have been treacherously working with that very object all the time in view."

<sup>1</sup> For example, Daniel Dulany of Maryland.

## VI

The purpose of this paper will perhaps be sufficiently accomplished if, in addition to what has now been brought forward touching the personal character of the Loyalist party, and the strength of its argumentative position, attention is invited to three errors closely connected with the subject, and still prevalent in popular expositions of it.

First, it is an error to represent the Tories of the American Revolution as a party of mere negation and obstruction. They did deny, they did attempt to obstruct; but they also had positive political ideas, as well as precise measures in creative statesmanship, to offer in the place of those ideas and measures of their fellow-colonists to which they made objection, and which they would have kept from prevailing if they could.

Secondly, it is an error to represent the Tories of the American Revolution as a party opposed either to any reform in the relations of the colonists with the mother-country, or to the extension of human rights and liberties here or elsewhere. From the beginning of the agitation, they clearly saw, they strongly felt, they frankly declared, that the constitutional relations of the colonies with the mother-country were in a crude state, were unsatisfactory, were in need of being carefully revised and reconstructed. This admission of theirs, they never recalled. Quite aside from the question of its legality, they doubted the expediency, under modern conditions, of such an exertion of parliamentary authority as the ministry had forced into life. Upon these points, there was substantial agreement between all Americans; namely, that there was a wrong, that there was a danger, that there should be a reform. It was chiefly as to the method and the process and the scope of this needed reform, that Americans broke asunder into two great opposing parties. The exact line of cleavage between these two parties, together with the tone and the spirit characteristic of each party, may now be traced with precision in the history of the Congress of 1774.

Within that body, the Tory party, both as regards its political ideas and its conscientiousness, was represented by Joseph Galloway, who, indeed, had permitted himself to be made a delegate, in the hope of inducing the Congress to adopt such measures as would commit the American people to reform through reconciliation, rather than to reform through separation. Then it was that he brought forward his celebrated plan for curing the political

evils which all Americans complained of, and for preventing their recurrence. This was simply a scheme for what we should now call home-rule, on a basis of colonial confederation, with an American parliament to be elected every three years by the legislatures of the several colonies, and with a governor-general to be appointed by the crown. The plan came very near to adoption. The member who introduced it was himself a man of great ability and great influence; it was supported in debate by James Duane, by John Jay, and by Edward Rutledge; it was pronounced by the latter to be "almost a perfect plan"; and in the final trial it was lost only by a vote of six colonies to five. Could it have been adopted in Congress and outside, the disruption of the British Empire would certainly have been averted for that epoch, and, as an act of violence and of unkindness, would, perhaps, have been averted forever; while the thirteen English colonies would have remained English colonies, without ceasing to be free.<sup>1</sup>

Thirdly, it is an error to represent the Tories of our Revolution as composed of Americans lacking in love for their native country, or in zeal for its liberty, or in willingness to labor, or fight, or even to die, for what they conceived to be its interests. As was most natural, the party which succeeded in carrying through the Congress of 1774 such measures and methods of political reform as, in fact, led to civil war, and, finally, to American Independence, took for itself the name of the patriotic party, its members being commonly called "patriots." Beyond question, the Whig party was a patriotic party; but it is not now apparent that those Americans who failed in their honest and sacrificial championship of measures which would have given us political reform and political safety, but without civil war and without an angry disruption of the English-speaking race, can justly be regarded as having been, either in doctrine, or in purpose, or in act, an unpatriotic party.

MOSES COIT TYLER.

<sup>1</sup> Although Galloway's plan was regularly introduced into the Congress, and regularly debated there, and regularly voted on, yet, after it was rejected, all reference to it was swept from the records. It is not mentioned in the *Journals* of that Congress. The last few sentences in the above paragraph have been transferred by me from a book of mine on *Patrick Henry*, 102.

## THE FIRST CASTILIAN INQUISITOR

It is perhaps natural that a certain school of modern writers should seek to exonerate the Holy See from responsibility for the Spanish Inquisition, grounding its arguments on the efforts of successive popes to assert the right to hear appeals from the sentences of the Holy Office and on the hesitancy of Sixtus IV. to grant to Ferdinand and Isabella the decree for which they asked for the foundation of the institution. The former point I expect to discuss in some detail hereafter, as its history is curious and somewhat complicated. The latter is simple and easily disposed of, especially with the aid of a hitherto unedited bull of Sixtus IV. from the Vatican archives, appended hereto.

What Ferdinand and Isabella wanted was not simply the Inquisition, which they could have had for the asking; they insisted on an inquisition in which the officials should not be, as elsewhere, nominated by the Dominican or Franciscan Provincial, but should be selected by the crown and hold their positions at its pleasure. The Castilian monarchs had always manifested extreme jealousy of the encroachments of the Church and had succeeded better than most other mediæval sovereigns in maintaining their independence. Especially was this the case with Ferdinand and Isabella, who more than once vindicated their supreme authority within their dominions with a vivacity savoring of little respect for the traditional claims of the Vicar of Christ. Nothing could have been further from their policy than to admit, within the lately pacified kingdoms of Castile and Leon, officials clothed with the tremendous powers of the Inquisition and at the same time wholly independent of the royal authority. Ferdinand, in fact, had already had an experience of the kind in his ancestral dominions of Aragon which he was not likely to forget or to wish to see repeated in Castile. In Aragon the papal Inquisition had existed since the thirteenth century, and one of the inquisitors was the Dominican Fray Juan Cristóbal de Gualbes, noted for his fervid eloquence both as a preacher and a popular orator. When, in September, 1461, the heir-apparent, Carlos Prince of Viana, whom the affectionate Catalans revered as Santo Carlos,



perished, as was believed, of poison administered at the instigation of his step-mother, Queen Juana Henriquez, to obtain the succession of the crown for her darling son Ferdinand, and she came with indecent haste to rule Catalonia as regent, Fray Gualbes was one of those who stood forward to defend the popular rights. In the troubles which speedily followed Queen Juana's tyrannical acts, Gualbes made himself conspicuous by writing and preaching that King Juan II., her husband, had forfeited the throne by disregarding his coronation-oath given to a free people and especially by his cruel persecution of his son Carlos. The Catalans were wrought to such a fervor of resistance that they successively bestowed the crown on Pedro of Portugal and René of Anjou, and only the opportune deaths, first of Pedro and then of René's son Jean de Lorraine, enabled Ferdinand to succeed his father.<sup>1</sup> Gualbes' office shielded him from Ferdinand's wrath, but the latter never forgot the lesson. When the Inquisition of Castile was founded by the appointment, September 27, 1480, of the Dominicans Fray Juan de San Martín and Miguel de Morillo as inquisitors, he took care to tell them in their commission that if they misbehaved they would forfeit not only their position but all their temporalities and their personal rights as Spanish subjects. Moreover, when, in 1483, he obtained from Sixtus IV. the remodeling of the Aragonese Inquisition on the Castilian pattern, he gratified his ancient grudge by procuring from the pope the dismissal of Gualbes, who was denounced in the papal brief as a son of iniquity, incapable, in consequence of his demerits, of holding the office of inquisitor and even of preaching.<sup>2</sup> It is easy to understand Ferdinand's insistence on having the officials of the new Inquisition dependent on the crown, and the papal yielding to so serious an innovation can only be explained by the desire of the Holy See to effect at last what had repeatedly been previously attempted in vain.

Many efforts had in fact been made since the thirteenth century to introduce the Inquisition in Castile, but they had all failed. Up to the fifteenth century this may probably be attributed to the tolerant temper of the people, their lack of interest in spiritual matters, and their jealousy of foreign interference. After the massacre of the Jews, however, in 1391 and the forced conversion of the survivors by wholesale, there was a marked increase of the persecuting spirit, directed first against the remnants of the *Aljamas*, or Jewish communities, and then against the *conversos*,

<sup>1</sup> Zurita, *Añales de Aragon*, Lib. XVII., cap. xxvi., xlii.; Lib. XVIII., cap. xxxii.

<sup>2</sup> Ripoll, *Bullar. Ord. FF. Prædicat.*, III. 622.

or new Christians, whose orthodoxy was not unreasonably suspected. Many of the latter rose to high positions in Church and State, and wielded no little political power in the disastrous reign of the feeble Juan II., leading to the first serious attempt to introduce the Inquisition in Castile. The all-powerful royal favorite, Álvaro de Luna, constable of Castile, in 1451 found a threatening opposition organized against him by the Santa Marías, the Dávilas, and other influential *conversos*, and it was doubtless as a weapon to be used against them that Juan II. was induced to ask Nicholas V. to appoint inquisitors to punish the numerous professing Christians who secretly practised Jewish rites. Nicholas eagerly grasped at the opportunity and promptly commissioned the Bishop of Osma, his Vicar-general, and the Scholasticus of Salamanca as inquisitors with full power to prosecute and punish without appeal all such offenders, even including bishops, who had always been exempt from inquisitorial jurisdiction.<sup>1</sup> Nothing came of the attempt, however; the times were too troublous, the opposition to de Luna developed, and in 1453 he was suddenly hurried to the scaffold.

Sixtus IV. was even more zealous than Nicholas to introduce the Inquisition in Castile, for, as will be seen by the following bull, he did not wait to be asked. It shows that, while yet the land was convulsed with the civil war between Isabella and her rival the unfortunate Beltraneja, he conferred, August 1, 1475, on his legate Niccolò Franco full powers as inquisitor to prosecute and punish the Judaizing Christians, and further to make a visitation of the religious houses and reform them — a duty which, if we may judge from the description of the Castilian church by the council of Aranda in 1473, was quite as much called for as the visitation of the English monasteries by Archbishop Morton in 1489. No trace of the labors of the legate as inquisitor are to be found in the documents of the period, nor could he be expected to accomplish anything in the existing condition of the country, even if Castilian jealousy had allowed him to exercise his powers. If he attempted it he doubtless met with a prompt rebuke, for the attitude of Ferdinand and Isabella was clearly manifested during Franco's legation when, in July, 1478, they assembled a national synod at Seville, and among the subjects presented for its consideration was how to prevent the residence of papal nuncios and legates, who not only carry much money out of the country, but interfere with the royal pre-eminence, to which the assembled prelates replied that it rested with the sovereigns who could do as

<sup>1</sup> Raynald, *Annal.*, ann. 1451, n. 6.

their predecessors had done in similar cases.<sup>1</sup> Fruitless as was the attempt made by Sixtus, it is not without interest as an expression of his desire to extend the papal Inquisition to a land which had hitherto successfully refused to enjoy its blessings.

HENRY C. LEA.

Sixtus Episcopus<sup>2</sup> servus servorum Dei dilecto filio Magistro Nicolao Franco Canonico Tervisino, nostro et apostolicæ sedis Notario et in Castellæ et Legionis Regnis Nuntio et Oratori cum potestate legati de latere, salutem et Apostolicam benedictionem. Cum sicut non sine displicencia in Castellæ et Legionis Regnis sint nonnullæ ecclesiæ, monasteria et alia loca ecclesiastica sæcularia et diversorum ordinum etiam mendicantium tam virorum quam mulierum regularia exempta et non exempta multipliciter deformata in quibus divinus cultus debite non peragitur et quorum personæ Dei timore postposita ad illicita fræna relaxant et variis se involvunt criminibus et delictis, sintque etiam quamplures tam ecclesiastici quam sæculares qui pro Christianis se gerentes intus vitam et mores Ebræorum servare et eorum dogmata sequi, et quod deterius est in illorum errores et infidelitatem prolabi non formidant ac alios ad ritus hujusmodi trahere continuo moliuntur, Nos qui te impresenciarum ad pacificandum Regna prædicta et nonnulla alia peragendum nostrum et Apostolicæ Sedis nuncium et oratorem cum potestate Legati de Latere destinamus, ecclesiarum, monasteriorum et locorum ac personarum ecclesiasticarum et sæcularium quarumlibet Regnorum prædictorum statui et animarum saluti consulere cupientes ut tenemur ac sperantes quod tu in quo timor Domini sanctus permanet, tuis industria, solertia et diligentia scies, voles et poteris super hiis omnibus opportune providere: tibi contra præfatos pro Christianis se gerentes qui ritus et mores imitantur Judæorum et illorum inhærent erroribus et quoscunque alios jurisdictioni inquisitoris hæreticæ pravitatis subjectos eadem qua inquisitores et locorum ordinarii uti possunt insimul potestate, jurisdictione et auctoritate utendi et de illorum excessibus et delictis ac quibuscunque causis et criminibus hæresim sapientibus cognoscendi illosque et quoscunque alios pro qualitate excessuum quos commiserint puniendi, necnon Episcopos, Abbates, Archiepiscopos et prælatos ac alias ecclesiasticas personas ad concilia provincialia et diocesana convocandi, Monasteria et loca quæcunque dictorum regnorum exempta et non exempta et illorum personas in capite et membris visitandi, et quæ reformatione coercione et emendacione indigere cognoveris reformandi, corrigendi et emendandi, visitatas personas easdem quas culpabiles repereris juxta suorum excessuum exigenciam caritative puniendi et dignitatibus, administracionibus ac officiis necnon beneficiis ecclesiasticis quæ obtinent

<sup>1</sup> Concilio nacional de Sevilla, 1478, cap. xvi. (Printed by Padre Fidel Fita in the *Boletín de la Real Academia de la Historia*, T. XXII. pp. 220, 227, 242).

<sup>2</sup> Archivio Vaticano. Sisto IV.: Regest. 679, T. I., fol. 52.

et quibus præsunt Monasteriorum regiminibus privandi et amovendi realiter ab eisdem ac alias eorum loco substituendi et surrogandi, uniones, exempciones et privilegia etiam apostolica auctoritate concessa et quarumcunque dispositionum ex quibus divini cultus diminutio et animarum pericula proveniunt et quæ scandalum pariunt suspendendi moderandi et illos ac omnia quæ tibi impedimentum præstarent quominus commissum tibi officium exequi valeas etiam in totum de medio tollendi, et generaliter omnia et singula quæ Dei laudem, ecclesiarum, Monasteriorum et aliorum Religiosorum locorum et beneficiorum reformationem, tranquillitatem, prosperitatem Christifidelium Regnorum prædictorum concernere putaveris exequendi, auctoritate apostolica præsençium tenore concedimus facultatem. Tu igitur zelo Dei et magno animi affectu onus huiusmodi tibi commissum suscipiens diligenter omnia agas quæ pro omnium et singulorum salute videris expedire ita ut ex tuis laboribus optati fructus proveniant, tuque exinde apud Deum et homines valeas non immerito commendari. Dat. Romæ apud Sanctum Petrum, Anno Incarnationis Dominicæ Millesimo quadringentesimo septuagesimo quinto, Kal. Augusti, Pontificatus nostri Anno Quarto.

N. DE BENZIS.

## COUNT EDWARD DE CRILLON

ACCORDING to mathematicians, every man carries with him a personal error in his observation of facts, for which a certain allowance must be made before attaining perfect accuracy. In a subject like history, the personal error must be serious, since it tends to distort the whole subject, and to disturb the relations of every detail. Further, the same allowance must be made for every authority cited by the historian. Each has his personal error, varying in value, and often unknown to the writer quoting him. Finally, the facts themselves carry with them an error of their own; they may be correctly stated, and still lead to wrong conclusions. Of the reader's personal error nothing need be said. The sum of such inevitable errors must be considerable. At the most moderate estimate the historian can hardly expect that four out of five of his statements of fact shall be exact. On an average every history contains at least one assertion of fact to every line. A history like that of Macaulay contains much more than one hundred and fifty thousand assertions or assumptions of fact. If the rule holds good, at least thirty thousand of these so-called facts must be more or less inexact. In regard to events of earlier history or of less familiar societies, the necessary error must be much greater.

The historian is properly responsible only for his own personal error, but this he can never calculate, since it is hopelessly confused with the conditions of his education, his society, and his age. His personal tricks of thought or manner he may sometimes recognize. One can imagine that Gibbon and Macaulay might even have been greatly annoyed by their own mannerism, had they been of a nervous temperament; but their personal error would have remained the same. Some historians are more, some less, inaccurate; but the best must always stand in terror of the blunders which no precaution and no anxiety for truth can save him from committing.

This subject acquires serious interest to any one who undertakes to teach or write upon History, because, of all objects of study, human beings are the most complicated and least easily

understood. They do not even understand themselves. They habitually deceive themselves about their own motives. The most respectable and the most honest are seen in politics engaged in transactions which, from another point of view, seem to imply the want of a moral sense. Their evidence is rarely conclusive. If, to this confusion of error, the personal error of the historian is added, the result becomes an inextricable mess. Almost every great criminal in history has been defended with more or less force, and almost every example of lofty virtue has been more or less successfully attacked. After two thousand years of hot dispute, society to-day is still hotly disputing the characters of the Gracchi, of Cicero, of Brutus, and of Julius Cæsar, while that of Oliver Cromwell shakes the credit of a ministry.

Conscious of the pitfalls that surround him, the writer of history can only wait in silent hope that no one will read him, — at least with too much attention. He knows the worst. He has taken some patriot at his own estimate, and condemned some traitor at the estimate of the patriot! He has misread some document, adding his own blunder to the deception intended by the author of the document! He has accepted, as authority, an official statement, made, for once, without intent to deceive; and thus, thrown off his guard by the evident absence of dishonest intention, he has fallen into the blunder of taking a government at its own low estimate of itself.

One of these blunders, which is fortunately of so little consequence as to allow of attaching a story to it, will be found in Volume II., page 186, of the *History of the First Administration of Madison*. Special students of American history may remember the curious episode of John Henry in 1812, who got fifty thousand dollars from Mr. Madison for revealing the intrigues which the Boston Federalists had not had with the British government. Opinions differed then, and probably differ still, as to the value of John Henry's papers, but few persons would differ about the value of John Henry himself. He was a political blackmailer; an adventurer; and, like a good many of his political superiors, more or less of a liar; yet, on the whole, want of truth was not one of his strongest peculiarities. Indeed, except for the overestimate of his own services, the statements made by Henry were reasonably exact. The *History* has no quarrel with him.

A person who more interested society at the time, and is more amusing still, than John Henry, was an extraordinary Frenchman, who appeared suddenly, as Henry's patron, in Washington society, and figured conspicuously at the White House, at the French and

British Legations, and before a Congressional committee, disappearing as suddenly as he came, and leaving only the conviction that he was a rogue, and general perplexity to account for his presence in such a part of the world. The world naturally inferred that Savary, Duke de Rovigo, Napoleon's Minister of Police, was in the secret. The Frenchman was an agent of Napoleon's secret police. This inference became the accepted version of history. Among the French secretaries at Washington who knew the so-called Count Edward de Crillon was the Count Georges de Caraman, who published, forty years afterwards, in the *Revue Contemporaine* for August, 1852, an account of the affair,—an account authorized by Serurier, who, in 1812, was the French minister in Washington. Caraman, who might be supposed to know, expressly said that the man who called himself Crillon was found to be an agent of the Emperor's secret police. From Caraman's memoirs, the statement slipped naturally into the *History of the Administration of Madison*, where it stands on the page already cited.

In spite of Caraman's assertion, and in spite of the apparent safety of taking for granted that he knew what he said was known, the so-called Count Edward de Crillon seems not to have had any authority to act as a police agent. In that character he appears only as a volunteer. The French police were frequently in pursuit of him, but are not known to have availed themselves of his distinguished services. The statement made in the *History* should therefore be struck out, and, as no further conclusions were deduced from it, the error, unlike many other similar mistakes, stops there. Yet the correction, slight as it is, leads to another inquiry, which has little to do with the history of the United States, but opens a curious chapter of the social history of the world at the beginning of the century. If Count Edward de Crillon was not a secret agent of the French police, who was he, and how did it happen that he appeared and disappeared so dramatically in the diplomatic drama of the War of 1812?

A volume of the archives of the French Foreign Office, overlooked in the original search for documents relating to the United States, contains some papers relating to this matter, which seems at the time to have perplexed the French government almost as much as it annoyed Mr. Madison. The first of these papers is a letter from the Prefect of the Department of the Gers, in the south of France, written four years after Crillon's adventure in America, and directed to the Minister of Foreign Relations at Paris.



THE PREFECT OF THE DEPARTMENT OF THE GERS  
TO  
MONSEIGNEUR [THE DUKE DE RICHELIEU] THE MINISTER OF FOREIGN  
RELATIONS.<sup>1</sup>

PREFECTURE OF THE GERS,  
Auch, 1 March, 1816.

*Monseigneur :*

The nomination of M. Hyde de Neuville to the Legation of the United States has suggested to me the idea of putting under your Excellency's eyes some papers which were seized at the domicile of a Sr. Soubiran of Lectoure, and a knowledge of which may interest the mission of His Majesty's ambassador.

This Soubiran is an intriguer of the first order, who, being son of a goldsmith of Lectoure, has successively played the roles of Colonel, Consul, Ambassador, and Chevalier of all the Orders. Pursued by the imperial police whom he had disturbed from Spain to Hamburg by his political or financial expedients, he finished by reaching the United States, where he contracted a kind of intimacy with an Irish major named Henry, whose name your Excellency will doubtless remember to have seen figure in the quarrel of the United States with England. It seems that this Major, having been charged with some political exploration by the chiefs of the English army, sold the secret of his mission to President Madison, and the memoir of Soubiran seems to show him as intermediary in that negotiation, of which he doubtless allotted to himself a good part of the price, since he returned to France with 70,000 livres of bills of exchange from Consul Lescallier, who treated him with intimacy, as did also M. Serurier, then Minister of France in the United States.

As all this medley [*tripotage*] seems to me to have some relation with the respective efforts of the two American parties which then respectively cultivated or combatted the envoy of France, I have thought necessary to communicate to your Excellency the verbose and romantic memoir of Soubiran, in which the simple or impudent avowals may, to a certain point, offer a presumption of truth.

I am with respect, Monseigneur, your Excellency's very humble and very obedient servant,

The Prefect of the Gers,  
BROCHET DE DESIGNY.

If exactness of translation matters little, exact dates would be convenient, but the Prefect unfortunately did not mention whether Soubiran's papers had been just seized, or whether the seizure had taken place at some previous time. None of the papers seem to have been written later than 1814. The first is the memoir which the Prefect correctly described as

<sup>1</sup> *États Unis*, Supt. 2, 103.

verbose and romantic, but which he thought might to a certain point offer a presumption of truth. Most of Soubiran's papers offer only a presumption of untruth, but his account of the episode of Henry's documents can, to some extent, be tested by other evidence.

MEMOIR OF SOUBIRAN.<sup>1</sup>*The Last Two Years of my Life.*

The 1st August, 1810, after having sold furniture, I set out for Baréges. My health had no need of the mineral waters, but my purse had need of supplies. In consequence, I left Baréges for Bagnères, where, two hours after my arrival, I sacrificed to the *Tapis vert*, and, deceived for the hundredth time in my hopes, I saw myself a victim and was immolated on this stage of fortune. Nevertheless, I had the courage to remain until October 15, and, after having borrowed 600 francs from the Prefect Chazal, I quitted this place which had been so often disastrous to me and returned to my country. I arrived at Lectoure with 54 francs and a valet de chambre. My project was to pass the winter there, but when I learned that I was under suit for a bill of exchange from Paris, I determined to go to offer my services in Moldavia to the hospodar (Prince ———), with whom I had relations; and I remained only a few hours at Lectoure.

On arriving at Agen I had drawn 18 francs on my fund, and I had hired a small boat to Bordeaux for 72 francs, when my faithful valet came to join me at Port Ste. Marie, and to my great astonishment, brought me six double Louis that he borrowed of a certain lady whose loyal conduct will never be lost in my grateful heart.

A high and puissant seigneur, I reached Bordeaux, where I received the most amiable reception from all my friends. I left it, always filled with my great project. I stopped at Blois, where for two years I had maintained a correspondence with a charming woman (Madame de La-jonquière). I wanted to find out whether amiability or trickery [*rouerie*] formed the essence of her character; and, in consequence, a carriage was harnessed, and four post-horses conducted me to the Chateau de la Savonnière, whither a note and my Gilbert had already preceded me.

On leaping from my carriage, I was met by a man who seemed to me frank, loyal, and generous. "M. de Soubiran," he said to me, "how glad I am to see you, and how happy I should be if my wife, who is waiting for you in the parlor, could enjoy the same pleasure! but for twenty years past she has been blind! What happiness for us to receive among us him who protected our son in Spain—that poor Albert! He is prisoner in England! He was taken in the affair of Ta— Ta— eh! yes! Talavera!"

I knew nothing about it! No matter! We arrived in the salon, where

<sup>1</sup> *États Unis*, Supt. 2, 102.

I found Mme. de Latour with two priests, a perfect contrast with the master of the place. A face gentle, angelic; an air of dignity; the tone, the bearing of candor and of modesty; which would have inspired me if I had not every moment been recalled to my gay humor by M. de Latour, who appeared like a Jean Bart, a De Ruyter. "Monsieur," said he, "if you listen to Madame, she will talk to you of all the noblesse of the Vendômois, of the Orléanais, of the Gâtinais, of the Court of Guise, and of Francis the First. She knows thoroughly her French history; but I beg you!— This affair belongs to these gentlemen. As for us, let us talk of war!" "But, monsieur," I said to him, "how is Mme. de la Jonquière?" "She has been, for a month past, with Mme. de Staël. I have sent to inform her of your arrival, and if we do not all sup together this evening, to-morrow morning we shall breakfast together." Thereupon, supper was announced. "Monsieur is served," said Gilbert, who had already taken the direction of the household. But three or four great blows of the knocker announced the goddess of the chateau, who, after having embraced her mother, turned to me with the most proper and amiable tone and said: "Colonel, you will not be surprised at my impatience to come and receive at home the man who has deigned to protect that poor Albert, that good brother, tenderly cherished. Promise me to pass some months with us, and I shall believe that happiness has not totally deserted the Chateau de Savonière." I answered as I best could her charming politeness, but I could not weary of admiring her who spoke to me. In truth, I was transported; I was among the angels; I thought myself in fairyland. My costume suggested the adventurer a little [*prêtait un peu à l'aventure*] and my Frontin showed an alacrity for Madame which made it clear to the priests that he thought he was serving the future wife of his master. At length, the conversation turned on the Church. I edified everybody and became the idol of the mother. I made loud responses to the prayer, while Gilbert prayed like the rest, and we were on the road to canonization.

Soon I was presented to all the neighboring gentry, and I always ordered a post-chaise which seated Monsieur and Madame and Gilbert. Everybody talked of our future marriage, but I knew there was nothing in it. Finally, after having finished my projects, and colored with a pretext a loan of which I had need, I set out post for Paris.

The next day I arrived at the capital. I feared to remain there. My debts frightened me. I feared that my creditor there would prove less magnanimous than the noble family at La Savonière. I set out for Senlis, leaving Gilbert behind with two notes for two charming women, Mlle. Millièrès and Mme. Éléonore. They accepted my invitation and I spent for them 240 francs out of the sixteen louis that remained to me. It mattered much to me that two women *à la mode* should say in the *grand monde* that I was always generous and full of good graces. From there I went to Saint Omer and then to Roye, where my faithful Gilbert made acquaintance with the driver of a coach who was taking to Brussels Mme. de Mirecour, former canoness, who had just gained a lawsuit at Paris. Without tell-

ing me anything beforehand, Frontin woke me at four o'clock in the morning, by crying out: "Monsieur, they are harnessing the horses!" I get up; the bill is paid; and I seat myself in a handsome carriage by the side of a heavenly woman. I saluted her so modestly that she afterwards told me the impression it had made on her. I will not enter into a longer detail; it will be enough to know that her house became my hotel during a fortnight that I remained in Brussels. For my journey in Holland I had to accept a cabriolet, a box of wine, and Gilbert had 50 louis that were lent him for me.

I arrived at Amsterdam, where my stay offered nothing remarkable. Frontin went to visit Mme. de Ménoire. He promised to bring me to her, and was presented with a hundred ducats of which he said that I had need. I visited Groningen and arrived at the seashore; there I found Admiral Devanter, who was my intimate at Paris. I saw, and was presented by him to General Miollis. He gave me letters for the generals of brigade who were at Emden, where I was received as Prince Frederick would have been if the garrison had been Prussian. I was lodged with the richest merchant; I gave fêtes; the generals and all the officers came to them; the music of the regiment played all night, and I lost harmoniously all my money. That honest banker offered me some; I accepted it; and after two weeks' stay I came to Oldenburg, bearer of a letter for General Soligny. I passed there two days and dined alternately with the General and with the Prince, who sent me in one of his carriages as far as Bremen, where I had calculated a stroke of contraband which would have brought me 80,000 francs. But the secret ways of Providence confound the projects of mortals. Accordingly I had to quit Bremen and go to Hamburg. The evening of my arrival I gained a thousand ducats; the next day I won again, so that my stay in that city was the subject of every conversation. I was summoned by the Governor,—the antagonist of the Prince of Sweden. "I am on my way to Stockholm," I told him, "to claim or solicit service." "Where are your orders?" "I am going to deserve them." My answers did not appear to him conclusive; he ordered two gendarmes to keep watch on me. The evening of the next day I shook off the yoke, abandoning at midnight my wardrobe and my money. I took without knowing it the road to Copenhagen; I made ten German leagues on foot, and hired a carriage which took me to Kiel, where I presented myself to the Maréchal de Lowendal. Some recommendations for Copenhagen, and 250 guineas, put me in condition to continue my journey. I visited Stockholm without succeeding in my projects. I came to Gottenburg, and from there to Frederikstad. I visited devoutly the tomb of Charles XII.; and the 15th March I embarked for Carolina. Hardly ten days at sea we were taken by the *Formidable*, an English seventy-four. I was a passenger, and Spanish, I said; so I obtained liberty to go to London. I recalled to mind that the man, who, two days before quitting in 1801 the city of Paris, had won from me 30,000 francs, and who the next day, having lost £10,000, ran away without paying me,—I recalled, I say, that he lived in London, and

I resolved to make him fight, or to obtain an indemnity. I called on the father of the young man ; I made my demand, and complained of his want of delicacy with so much force that the son took it up with insolence. On my promise to fight a duel with him the father gave me an order on the bank, at sight, begging me not to pay attention to his son, or he would call in the police. "I am all right, sir," I said, "and here is my permit of residence in London." Then I showed him my Spanish permit, which luckily he did not read. The next day I was waked by order of this brave young man who waited me in the park. I loaded him with insults, and my quarrel changed object. I put a pistol-ball through his shoulder, and got as recompense the order to quit London under penalty of transportation. I made nothing of it, and came to Brighton.

I was on the point of departure for the United States when M. de Crillon Partorias, with whom I had relations, begged me not to abandon him. I was entirely master of his mind ; I read him the Holy Scriptures, more devout than the Grand Inquisitor. Soon he had gout in his stomach and made me heir, by testament, of his name, of all his property, and of twelve hundred quadruples [doubloons]. This adventure made some noise. The ambassador wanted to have the will broken, but it was in good form.

Then I quitted Brighton and went to the Isle of Wight, where I remained incognito until the moment when I sailed for the continent of America. I made acquaintance with the passengers. Of this number was Major Henry, a young Irishman, a very handsome man, but with an air of melancholy showing some secret trouble. Soon our acquaintance became intimate, and after some weeks of voyage we confided in each other our most secret thoughts.

"For twenty years," said he, "I have lived in America, where I was taken under the care of a rich and powerful uncle named Keane. Quite early I pronounced against republics. The English government was not slow in offering me employment. Young, ambitious, I seized the opportunity, and at first went to Quebec, where I agreed with the Governor of Canada on my plan of conduct. I had served in the American army ; I had many partisans there. Since my marriage I had studied law ; and I was about to succeed in dividing the five States of the north, — in separating them from the American Union, — when the affair of the *Chesapeake* occurred. After that event I returned to England, where I was invited to go back and continue under George Prevost what I had commenced under his predecessor ; but my enthusiasm was destroyed. I had visited Ireland, and seen her destruction ; our palaces turned into prisons, our mansions into barracks, and our best citizens loaded with the chains of despotism."

I profited by this avowal. I discovered the discontent that seemed to animate him, and I turned to the profit of France what was intended to destroy her cause. I neglected neither promises nor hopes, and at last, master of all the correspondence, of the official despatches, I reached the continent of America. Arrived at Boston, I wrote to the ambassador my situation and the treasure of which I was depository. I received from him

the most flattering letter and the invitation to go to Washington, the seat of government. I arrived there and was at once presented to the President and all the ministers. The French Legation became my hotel, and when the government offered a million to possess the treasure, I offered it for nothing. — “Restore me to France! Let me die in my country — close the eyes of my old mother — there is my recompense, one that no treasure could equal!” All was solemnly promised me. I fought with Thompson, with Derby. I saw the Embargo decreed which was to famish the army of Portugal; and, made bearer of despatches by the government and by the French ambassador, I set out to present myself to the Duke de Bassano. After a long but fortunate passage, after having burned at sea several English and Spanish vessels, I was set ashore at Santander. I deposited my despatches with the French Consul, and put to sea again to reach Sauterne (?). A column of two thousand men escorted me in safety to Bayonne, where, when I was stepping into my carriage, I was recognized by a vile saddler whom I had the bad luck not to employ. Gendarmes seized my despatches, my gold, my effects, my servants; and I was alone, flying persecution, tyranny. When I looked for the highest recompense, I found myself naked, despoiled, and prevented from rendering account to his Majesty of the important situation of the United States, of the wishes of the Canadians, of the inhabitants of Nova Scotia; and a warrant issued against me obliges me to appear a criminal or a coward when I am far from either of these hypotheses.

Mr. Dervilliers, never could an agent of England have served his ministry better!!! What is to be done! I groan and I suffer. I wait an answer from the government, and I must add this loss to those I have already suffered. The American government will indemnify me; but I fear that it may turn its arms, and that its system, reuniting itself with the English system, may make the imbecile agents of so many disasters repent. This is what pains and afflicts me, and what destroys the fruit of my labors beyond the Atlantic. The wretches, dividing my spoils, will dig the tomb of the French cause in America, and I shall cry out with truth (since they believe me to be loaded with gold): *Auri sacra fames, quid non mortalia pectora cogis!!*

#### *Conclusions.*

I left Lectoure with 54 francs and I have travelled like a prince, covering more than 7000 leagues in the two worlds. Except one apostolic day, I have always had a good carriage and at least three domestics. During my residence in America, I always had a deposit of near \$40,000 in the Bank of the United States. There remained to me, after having finished my operations, a carriage valued at 11,000 francs, at least; before my disaster at Bayonne, effects or money, 50,000 francs; in letters of change, one of 69,000 francs, the other of 84,000. Total, 214,000 francs, with which I was withdrawing to my country, happy to have served it, and hoping from the French government a reimbursement of 200,000 francs

that I had spent, without ever having received a sous from any government whatever. Who will undertake an equal task and obtain the same success? It will not be I! Nevertheless, I leave, still, friends and claims on the continent. Yet I am here, unhappy and without a sous. I have been wrecked in port, like a bad pilot; but I can only admire the secret ways of Providence, and in my ecstasy, I cry, *O Altitude!!!*

Soubiran was a lineal descendant from that society which the Spaniards called *picaresque*, and which had a literature of its own. The French adopted it from Spain, and Gil Blas made it famous throughout the world. Soubiran was a Gascon, and must have been a more or less plausible rogue; for, although his stories contradicted themselves in every other sentence, and were so numerous, so long, and so detached that he could, with the best of memories, hardly have repeated any one of them accurately, he lived in an age of adventurers far more successful than himself, and seems never to have been publicly exposed in the good society whose scrutiny he challenged. At Washington, he went directly to his minister, Serurier, who should have penetrated his character at once, yet Serurier wrote despatch on despatch about him, without once seeming to appreciate that the man was merely a common swindler. Serurier's letters were hardly less amusing than Soubiran's impostures.

#### SERURIER TO THE DUKE DE BASSANO.<sup>1</sup>

No. 45.

WASHINGTON, 8 Feby., 1812.

*Monseigneur:*

I received, some time ago, a letter dated from Boston, signed Édouard de Crillon, in which this traveller informed me that he had escaped from England, that he had just arrived in the United States, and that on his journey he had had the good fortune to form an acquaintance with a person employed by the English government in a secret mission to New England; had become master of his secret, of his papers, and that they were of a nature to produce an immediate explosion between America and Great Britain; and that he had sworn to make me their depositary. The letter was of a style somewhat romantic, and although the traveller's name was certainly very fine and very French, it might cover a trap, and I thought that everything which came from England should be received by me with great circumspection. The traveller begged me to send my answer to New York under cover to the Consul General, whom he would see in passing. I wrote to M. Lescallier to examine the new arrival; to send him to me if he was in fact M. de Crillon; and in the contrary

<sup>1</sup> *États Unis*, Supt. 2, 95.



case to dissuade his coming. M. de Crillon arrived here ten days ago. He came to see me. He talked to me with enthusiasm of his Majesty the Emperor; of the happy times when he had the honor of serving him; of his own faults; of the wrongs of which he felt himself the object, and which, reducing him to despair, had led him to fly to England in want of a better asylum. He told me that there he had received letters from his family which made known to him the just anger of his Imperial Majesty, and which gave him to understand that he could hope for no pardon unless he quitted that enemy's country and went to wait, in America, the return of the imperial favor which his family would not cease to implore; that when in London he had met Baron d'Ebeut, aide-de-camp of the Prince Regent, whom he had formerly seen in Germany, and who, having recognized him, made him every sort of caress and the offer, difficult to refuse in his position, of presenting him to his Royal Highness. He says that the Prince Regent received him with every possible kindness, and, judging that in his disgrace he might be disposed to change sides, offered him the command of the Legion of Estremadura. M. de Crillon had in his hands the letter in which M. d'Ebeut reiterates to him this offer, in the most flattering terms. M. de Crillon says that he answered the Prince Regent (in the impossibility of giving a positive refusal, which would very certainly have compromised his safety) that he would reflect on the proposition that his Royal Highness deigned to make him, and that he would at once let M. d'Ebeut know his decision. From that moment M. de Crillon says he had no other thought than flight; no other intentions than that of obeying the views of his family and the inspirations of honor, which did not permit him to make a longer stay among the enemies of his sovereign. A famous hunt [*chasse*] was preparing in Scotland; he announced that he would be there; he hired an apartment in London for six months, and profiting by the security which these demonstrations should inspire, he went secretly to the Isle of Wight, where he knew that a ship was going to sail for America, and he embarked. . . .

To some extent, Serurier was blinded by his own suspicions. He could imagine no theory to account for this extraordinary personage who bore one of the best names in France, except that he was a British political agent. The British minister, Foster, could see in him only a French agent. The idea that he might be merely a private gambler and swindler was so improbable that they did not readily grasp it. As for Madison and Monroe, whose knowledge of such characters was small, and who found themselves in the hands of two adventurers at once, when one would have been more than enough, they seem to have taken Soubiran quite seriously. Even Gallatin made no apparent protest. They were blinded, in their turn, by the unquestionable genuineness of Henry's documents. Crillon asked nothing, and professed sub-

lime unselfishness. He seems, in fact, to have contented himself with only a thousand dollars of the fifty thousand which Henry got from the United States Treasury. The rest of his money must have come from other sources, and perhaps was really gained, as he said, by making an imbecile old man sign a will in his favor. Probably there was a certain amount of truth in his representation that his chief object was to obtain readmission to France. Harebrained as such adventurers are apt to be, he may have hoped to win the favor of the French police by rendering a service to French diplomacy. He certainly won Serurier's favor, who did his best to help the man, and, to judge from Caraman's version of the story, was ashamed of it afterwards. Serurier obliged Crillon to narrate a foolish farrago about the cause of his disgrace with the Emperor, and gravely reported it all to his government. Serurier himself added something very near a recommendation to favor:—

SERURIER TO THE DUKE DE BASSANO.<sup>1</sup>

No. 46.

WASHINGTON, 18 Feby., 1812.

. . . This, Monseigneur, is what M. Crillon has been willing to reveal to me. Your Excellency will understand that I have no means of verifying it. Moreover, I see no absolute necessity for verifying it, as M. Crillon asks nothing of me. Why should I have taken a trouble of that kind? Only in France can one know what truth there is in his version, and only there can it be judged. . . . I have presented him nowhere. I have publicly declared that the motive of my reserve in this respect was that he had not, according to usage, brought letters from your Excellency. I have made this declaration before the whole ministry; but as he has been received and dined [*accueilli, fêté*] at the President's and by all the ministers, I have thought that, in order not to discredit the offer he made to the administration, I should occasionally receive him myself. I have, therefore, received him, but at the same time repeating that it was not as a Frenchman, since I could not do so owing to my official ignorance of his position as regarded my Court; but as a man who, as the government of the Republic declared to me, had rendered it a signal service.

On arriving at Washington, M. Crillon, to escape better the suspicions of Mr. Foster, thought proper to call upon him. He even dined there, but this British minister, who had probably been informed of his brusque flight from England, said to the other guests, at the moment he left the room: "There is a spy of the Emperor!" This was told to M. de Crillon, who wrote on the instant the harshest and most insulting letter to Mr. Foster that ever was read. The latter answered with a moderation assuredly very

<sup>1</sup> *États Unis*, Supt. 2, 98.

rare. This correspondence being shown by M. Crillon to all the ministers has made Mr. Foster ridiculous in all eyes. Since that time M. Crillon has never set foot in his house, and has kept up the same line of conduct. He always speaks with the same enthusiasm of the Emperor, of his love for France and his family with the liveliest tenderness. He appears to regret his faults, whatever they may be. I received him at first with extreme distrust and put myself quite beyond reach of any trap, giving nothing in writing and sending him to the Secretary of State. But I must admit that I believe now in the sincerity of M. Crillon's regrets. Not but that there is always something of romance in his stories, sometimes contradiction in the details of his adventures. But it seems to me very hard to doubt the substance. The man has such an exaltation of brain, he shows so delicate a sense of honor, that one cannot suppose him engaged in a double intrigue. Moreover, it could be only the American government that could be deceived. I have declared to Mr. Monroe that I guaranteed nothing; that it was for him to verify the documents that I have not even asked to see, and to establish their authenticity. Every verification has been made. They have compared the English seals and the known handwritings. Mr. Pinkney, Attorney-General, recently arrived from England where he was Minister of the Republic, has been called in. He has verified everything. The greater part of the facts contained in that correspondence were known to him, and there remains no doubt in the mind of the administration.

. . . The bargain was concluded on the 7th. The papers are in the hands of Mr. Monroe. Mr. Henry at first asked £25,000 sterling, and the Secretary of State granted it; but on examining the affair afterwards with the Secretary of the Treasury, it appeared that the President could not dispose of more than \$50,000 for secret service. Mr. Monroe offered to give that amount first, and to pay the rest after publication, with the necessary approval of Congress. This clause displeased Mr. Henry, who declared that he would rather burn the papers than haggle over them so. As he is a very violent man, they took alarm. M. Crillon said that he thought the price too high, and that he would persuade his friend to come down to £18,000 sterling, but the same difficulty remained for the £8000 in excess of the \$50,000. Mr. Monroe put the whole negotiation into his hands. Mr. Henry remained inflexible. M. Crillon announced that he would supply this deficit by his estate of St. Martial in Spain which he valued at 200,000 francs, and which he ceded to his friend. As I found this proceeding a little too handsome to be natural, and as I showed some astonishment, M. Crillon told me that he considered the success of that affair as the only means of recovering the good graces of his Majesty, and that, with this idea, nothing cost too much; moreover, that he thought he could wait until the Republic should indemnify him for this sacrifice. I thought it not my business to exaggerate doubts on such motives, and said no more.

Mr. Henry has gone to New York, whence he is to sail within a few days on a government vessel. He had asked to pass to England, under pretext of business, and to make talk of this event through the channel of

his friends. Mr. Monroe communicated this project to me. I told him that this seemed to me too refined for its object; that letters would do quite as well; that Mr. Foster, informed of his arrival here, must have notified them in London, and that I saw no attraction that could make him want to go to a country where, supposing he had acted in good faith here, he would risk being hanged. The project seems to be given up. He will be sent to France. . . . M. Crillon has gone to Philadelphia, where he proposes to pass three or four days with Count Pahlen, last minister of Russia in America, and who has not yet started for Brazil. He knows the Count and announces that he is going to talk about his brother who is in the Russian service. On his return he has promised to hand me the memoir which he addresses to your Excellency by my advice.

Serurier's letter was written February 18. At that time both John Henry and Crillon were in Philadelphia, whither they had gone after concluding their bargain on the 7th, and obtaining the Treasury warrants for \$50,000, dated and paid on February 10. Henry went on to New York and sailed for France on the sloop-of-war *Wasp*, March 10. Crillon returned to Washington and wrote letters for France.

SERURIER TO THE DUKE DE BASSANO.<sup>1</sup>

*Monseigneur:*

I have the honor to address to your Excellency the letter that M. de Crillon wrote to M. the Duke of Elchingen. I have thought it best that whatever relates to this affair should pass through your Excellency. For the same reason I permit myself to place under this cover two other letters written by that officer, one to his Highness Monseigneur the Vice Grand Elector, and one to the Minister of General Police.

I am, etc.,

SERURIER.

WASHINGTON, 24 Feb., 1812.

The letter to Ney is a long medley, without present interest, and bearing no date. The letters to Sieyès and Savary are more curious. For some reason best known to himself, Soubiran dated them at Philadelphia, — although on those days he was in Washington, — and signed himself, not Crillon, but Émile Édouard.

SOUBIRAN TO THE VICE GRAND ELECTOR SIEYÈS.<sup>1</sup>

PHILADELPHIA, 5 Feby., 1812.

*Monseigneur:*

Your Highness had sent me to Malta with Méchin. This was a crime in the eyes of the Directory. The hatred of Barras

<sup>1</sup> *États Unis*, Supt. 2, 100.    <sup>2</sup> *États Unis*, Supt. 2, 94.

pursued me ; prejudiced Regnaud and Vaubois against me ; I was threatened with arrest ; I should have been arrested, and then shot, if my friend Subervie had not warned me. I was then at Civit  Vecchia. The unfavorable impressions have followed the subsequent government. Younger, more adroit, I had carried off some mistress from the Director ; I had thrashed that scamp Davis, who was his aide-de-camp. *Inde ir  !*

Since that time I have been voluntarily in the army. I have been employed there as a superior officer by Belliard and Ney, and I was bearer of a letter from Lannes to be named by King Joseph his confidential aide-de-camp. I arrived. I was, perhaps, not enough of a courtier. I went straight to my new master. The Sasignys, the Jourdans, etc., took umbrage. I was forgotten. My letters remained without answer, and I was dropped. Nevertheless, I was despatched to his Imperial Majesty at Bordeaux. I warned him of the rage of the Spaniards, of their infamous plans, and their audacious courage, the disastrous effects of which tended to nothing less than to plunge France into mourning and despair. I received the order to withdraw, but I enjoyed the indelible happiness of delaying the entrance into Spain, where I had rendered a thousand services to the cause of his Majesty.

Since that time a mark for an infinity of persecutions, I have been obliged to quit France and assume every sort of mask. When shall I obtain the favor of returning to my country ? This harrowing idea paralyzes all my actions.

Your attachment to the person of his Majesty obliges me to inform your Highness that there will arrive on the continent an audacious English agent named Major St. Adrien or Major Henry. For more ample information, I shall have the honor to write to your Highness on the departure of the vessel which will carry this savage [*ce barbare*].

I am occupied here in causing war to be declared against the English, in overcoming the apathy of this government, and in making the English minister decamp. What I can do I hope to announce to your Highness within twenty days. I will write you then in great detail. I am obliged at present to do it in a great hurry.

No indiscretion or inquiries ! The good that comes in sleep, — one does not inform oneself of the hour it will arrive.

Your very respectful

 MILE  DOUARD.

This secret denunciation of Henry adds another touch to the comedy of Crillon. One is at a loss to understand precisely what idea was in the writer's mind, but probably it was nothing more than to give himself importance in the eyes of the French police ; for the letter to Savary, the Emperor's Minister of Police, repeated the warning.

E

SOUBIRAN TO THE DUKE DE ROVIGO.<sup>1</sup>

PHILADELPHIA, 10 Feby., 1812.

*Monseigneur :*

I love the Emperor as much as you. I have a thousand times exposed my life, and have never received or required recompense. Your Excellency will recall my letters from Bagnères, my last from Hamburg. I desire that your Excellency should some day bear in mind that nothing is dearer to me than my country, and that I am the most zealous and the most faithful subject of Napoleon the Great.

*Confidentially.*

I have only time to inform your Excellency that there will arrive on the coasts of France a man, agent of England, bearing the name of Major St. Adrien, or Major Henry, about thirty-six years old, blond, about 5 feet 9 inches in height, who must be put under surveillance and severely confined. He knows how to take all colors, and is sent to commit the most frightful crime [*attentat*.]

I dog his steps, and I will inform your Excellency of his determination, of the name of the vessel and of the captain with whom he crosses the Atlantic.

I hope before April 1st to have decided this country to war with England. I shall have the honor to inform you of it. Your Excellency will know how to reward a devoted servant and a faithful subject.

ÉMILE ÉDOUARD.

Your Excellency will remember that I was Colonel on the staff and met you travelling ; but you will never know to what a point my devotion goes ! Above all — discretion ! It is necessary that I should succeed, and my confidence has no other interest connected with you than that of interesting you in order that I may be permitted to finish my days in my country when I shall have recourse to your goodness. Any indiscretion on your part destroys my success, and it will be your fault alone that the English party is not entirely annihilated.

Beside these letters, Soubiran wrote another, and a long one, to Maret, Duke de Bassano, Napoleon's Minister for Foreign Affairs. This letter, which is dated Washington, February 22, 1812, contains a further tissue of inventions, but is remarkable for the strange impudence with which the writer challenged his fate with the police. He not only signed himself Édouard de Crillon, but claimed permission to return to France in consideration of the sacrifice he had made of his estate of St. Martial — an estate which the Duke de Bassano, in a few moments, by inquiry from

<sup>1</sup> *États Unis*, Supt. 2, 97.

the Duke de Crillon, could and did assure himself never existed; and not content with this, he begged the Duke de Bassano to unite with the Duke d'Elchingen "who has been witness of my military conduct," — which the Duke d'Elchingen, in still less time, would declare wholly imaginary.

Such was the actual result. Soubiran sailed from New York, May 28, 1812, and on his arrival at Bayonne was promptly arrested. His subsequent adventures are unknown, but among the papers seized by the police at some later persecution of this interesting citizen was the draft of a letter written, or intended to be written, to John Henry in 1814. Apparently both of them were in Paris in the early part of July of that year. Soubiran was dogging Henry, presumably to get money from him, for Soubiran was then penniless and could hardly have had any other object. Nevertheless, through Soubiran's rags, the old tone of Gascon grandiloquence talked as loftily as ever. The nature of the transaction which he proposed to Henry is something for the curious seekers of puzzles to explain if they can; but certainly one would like to know whether Monroe ever gave him the smallest hope of obtaining more money from the United States Treasury.

SOUBIRAN TO HENRY.<sup>1</sup>

. . . July, 1814.

Sir:

When I wrote to you in America, you were in Paris; this is doubtless the reason why I have never heard from you. I have no need to tell you how much I have been annoyed not to have been able to get an interview with you, although I followed you step by step for more than two hours, the evening of Saturday, July 2, at the moment when you were talking with a woman, doubtless on important affairs, — for I had neither the power nor the faculty to wait longer than midnight. Nor was I sure it was you, since I thought I saw you with a black band over one eye, which I learned with regret that you had lost. Now I turn to our affairs. When I had the pleasure of meeting you at Ryde in the Isle of Wight, I was in hiding from everybody. The decree of death that Buonaparte had issued against me rested on my head. I had avoided it at Hamburg only by getting rid of a gendarme. Bernadotte refused me an asylum; set a price on my head to please the puissant idol of the world; and I had no doubt that emissaries of that savage would have conceived the plan of destroying me in England if I had been discovered in that situation. Hidden in the shadow of my mother's name, we became friends! You complained to me of the British government. I told you all I had suffered from that of Napoleon; and we conceived the project — you, of revenging yourself on

<sup>1</sup> *États Unis*, Supt. 2, 102.



those who had, as you said, outraged your interests ; while I found it best, since it enabled me, not indeed to return to favor with a monster whom I have always detested, but at last to reopen the door of that fair France which I never found elsewhere in my travels.

It is useless for me to recapitulate here all I did to obtain the result which brought you fifty thousand dollars. I sacrificed my existence, all that man holds most sacred. You lent me a sum of some thousand dollars, which it is out of my power to repay, since Vigaroux, who kept rather a large amount for me, died my debtor, and I can obtain none of it. In this situation you set out for Europe, and I remained exposed to all the vexations of the two parties ; a mark for all their sarcasms. I had to fight with Willing, with Colonel Roussel, and I was nearly assassinated in New York by an English party.

You were at Paris when I sailed, bringing an order enclosed in Monroe's despatches for Barlow to pay me 84,000 francs ; but instead of coming to Paris, I was arrested on landing ; all my effects were seized ; my properties were sold ; and my brother was thrown into prison, whence he came out only a few weeks ago. In this frightful situation, I did not know to what saint to turn. England could not offer me an asylum ; yet I was constrained to go there, after being shipwrecked at Gibraltar ; and on my arrival, though I travelled under my own name, I was recognized, and Foster instructed the government of all my movements. I was taken at Abbé Rouffigny's, Castle Street, and thrown into the prisons of Tothillfields, where I remained 213 days because I refused to tell what would have irrevocably destroyed you (even at Paris). Returned to my country, deprived of all assistance, I learn that you have complained of me ; and of what, I pray ? Because I have not destroyed you in England ? because I have caused you to get fifty thousand dollars in America ? finally, because I still persist in my loyal conduct towards you ? Oh, if it is those thousand dollars that you gave me when you were gorged with gold ! then I shall say to you : *Ad impossibile nemo tenetur*, since I have no longer a sous ; but if you want the despatches that I had saved with the order of Monroe to count me down that sum, even if you want to return to America, I offer it to you, and, in offering it, I do all I can do, since I have never mixed in your affair except to gain a right to return to my country, which the return of my sovereign has incontestably restored to me.

This is, sir, all I can do in this affair, and you will have the goodness to return me the effects of mine which you have, and my declarations of relinquishment. On my part, I should have crossed the Atlantic only to preserve the most flattering idea of you ; but if, contrary to my expectation, you reject this arrangement, do not blame me for taking the step of publishing my situation with all your letters, notably that in which you tell me that I am an extraordinary man since I have decided those wretches, that you have seduced, to keep their word, and that all your ambition is that we may meet in Paris to laugh at the expense of these wretches, who tremble for a bagatelle of ten thousand pounds sterling ! — What a government !!!

I am much of your mind ; but I think, too, that nobody will blame me for the course which I should be obliged to take, and which I have till now refused to take, for considerations which were personal to you and were equally repugnant to my delicacy and my honor.

Obliged to quit Paris for some time, I have charged M. — with my full powers to terminate this affair. When I return to the city, I shall be happy to renew an acquaintance formed under very unfortunate auspices, but such as have always opened for the future the perspective of what one may attain when one is aided by your counsels and your genius. I beg you never to doubt the distinguished sentiments entertained for you during life by

Your very, etc.,

E.

HENRY ADAMS.

## WESTERN STATE-MAKING IN THE REVOLUTIONARY ERA

### I

THE term "West" in American history is not limited to a single area. At first the Atlantic coast was the West,—the West of Europe; then the lands between tide-water and the Alleghanies became the West. In the second half of the eighteenth century the territory between these mountains and the Mississippi was occupied, and became the West of the Revolutionary era. In consequence of this steady march of the West across the continent, the term represents not only different areas, it stands also for a stage in American development. Whatever region was most recently reclaimed from the wilderness, was most characteristically Western. In other words, the distinctive thing about the West is its relation to free lands; and it is the influence of her free lands that has determined the larger lines of American development.

The country exhibits three phases of growth. First came the period of the application of European men, institutions, and ideas to the tide-water area of America. In this period of colonization, English traits and institutions preponderated, though modified by the new American conditions. But the constant touch of this part of the country with the Old World prevented the modifying influences of the new environment from having their full effect, and the coast area seemed likely to produce institutions and men that were but modified shoots from the parent tree. Even the physical features of the colonial Americans are described by travellers in colonial days as English: the ruddy complexions, without delicacy of features or play of expression, the lack of nervous energy. The second phase of our growth begins with the spread of this colonial society towards the mountains; the crossing of the Alleghanies, and the settlement upon the Western Waters. Here the wilderness had opportunity to modify men already partly dispossessed of their Old World traits. In adjustment of themselves to completely new conditions, the settlers underwent a process of Americanization, and as each new advance occurred, the process was repeated with modifications. In this reaction between the West and the East, American society took on its peculiar features. We are now in the third phase of our develop-

(70)

ment : the free lands are gone, and with conditions comparable to those of Europe, we have to reshape the ideals and institutions fashioned in the age of wilderness-winning to the new conditions of an occupied country.

Not only is our own development best understood in connection with the occupation of the West ; it is the fact of unoccupied territory in America that sets the evolution of American and European institutions in contrast. In the Old World, such institutions were gradually evolved in relation to successive stages of social development, or they were the outcome of a struggle for existence by the older forms against the newer creations of the statesman, or against the institutions of rival peoples. There was in the Old World no virgin soil on which political gardeners might experiment with new varieties. This America furnished at each successive area of Western advance. Men who had lived under developed institutions were transplanted into the wilderness with the opportunity and the necessity of adapting their old institutions to their new environment, or of creating new ones capable of meeting the changed conditions.<sup>1</sup>

It is this that makes the study of Western state-making in the Revolutionary period of peculiar interest. In the colonial era the task of forming governments *in vacuis locis* fell to Europeans ; in the Revolution the task was undertaken by Americans on a new frontier. The question at once arises, How would they go about this, and on what principles? Would they strike boldly out regardless of inherited institutions? Would the work be done by the general government ; by the separate states that claimed the jurisdiction of these unoccupied lands ; or by the settlers themselves? To collect the principal instances of attempts at the formation of states in the West in this era, and briefly to consider the relations of the movement as a whole, is the purpose of this paper. An attempt will be made to interpret the movement from the point of view of the backwoodsmen.

Three types of colonial government are usually mentioned as having flourished on the Atlantic coast : the charter colonies, outgrowths of the trading company organization ; the proprietary, modelled on the English palatinate ; and the provincial colonies, which, having been established under one of the forms just mentioned, were taken under the government of the crown, and obliged to seek the constitutional law of their organization in the instructions and commissions given to the royal governor. In all

<sup>1</sup> "The Significance of the Frontier in American History," *Report of the American Historical Association*, 1893, p. 199.

these types the transformations due to the American conditions were profound. Colonial political growth was not achieved by imitating English forms, but by reshaping English institutions, bit by bit, as occasion required, to American needs. The product had many of the features of an original creation. But in one type of colonial organizations, which has usually been left out of the classification, the influence of the wilderness conditions was especially plain. The Plymouth compact is the earliest and best known example of the organization of a colony by a social compact, but it is by no means exceptional.<sup>1</sup> In Rhode Island, Connecticut, New Haven, New Hampshire, and elsewhere, the Puritan settlers, finding themselves without legal rights on vacant lands, signed compacts of government, or plantation covenants, suggested no doubt by their church governments, agreeing to submit to the common will. We shall have to recur to this important type of organization later on in our study.

When the tide-water colonial organization had been perfected and lands taken up, population flowed into the region beyond the "fall line," and here again vacant lands continued to influence the form of American institutions. They brought about expansion, which, in itself, meant a transformation of old institutions; they broke down social distinctions in the West, and by causing economic equality, they promoted political equality and democracy. Offering the freedom of the unexploited wilderness, they promoted individualism. One of the most important results of the rush of population into these vacant lands, in the first half of the eighteenth century, was the settlement of non-English stocks in the West. All along the frontier the Palatine Germans (Pennsylvania Dutch) and the Scotch-Irish Presbyterians ascended the rivers that flowed into the Atlantic, and followed the southward trend of the valleys between the Blue Ridge and the Alleghanies. These pioneers were of different type from the planters of the South, or the merchants and seamen of the New England coast. The

<sup>1</sup> The covenant of the settlers of Exeter, New Hampshire, in 1639, is typical. "Wee, his [Charles I] loyall subjects bretheren of the church of Exeter, situate and lying upon the river of Piscataquacke, with other inhabitants there considering with ourselves the holy will of god and our owne necessity, that wee should not live without wholesome laws & government amongst us, of wch we are altogether destitute doe in the name of Christ & in the sight of god, combine ourselves together to erect and set up amongst us such government as shall be to our best discerning agreeable to the will of god, professing ourselves subject to our sovereign Lord King Charles, according to the liberties of our English colony of the Massachusetts," etc. *N. H. Provincial Papers*, I. 132. Compare Osgood, in *Political Science Quarterly*, March, 1891; Borgeaud, *Rise of Modern Democracy*; J. Adams, *Works*, IV. 110; Jefferson, *Works*, VII. 467; Wells, *Samuel Adams*, I. 429.

Scotch-Irish element was ascendent, and this contentious, self-reliant, hardy, backwoods stock, with its rude and vigorous forest life, gave the tone to Western thought in the Revolutionary era. A log hut, a little clearing, edged by the primeval forest, with the palisaded fort near by, — this was the type of home they made. As they pushed the frontier on, they held their lands at the price of their blood shed in incessant struggles with the Indians. Descendants of men who had fought James II., they were the heirs of the political philosophy of Knox and Andrew Melville. Their preachers, with rifle at the pulpit's edge, preached not only the theology of Calvin, but the gospel of the freedom of the individual, and the compact theory of the state. They constituted a new order of Americans. From the social conditions thus created came Patrick Henry, and at a later time, Andrew Jackson, Calhoun, and Abraham Lincoln. These social conditions gave us the heroes of border warfare, and the men who, in the Revolutionary times, demanded independent statehood for their settlements.

By the middle of the eighteenth century it had become evident that the engrossing of the eastern lands would induce the rising tide of population to flow across the Alleghanies. As the Old World had produced the tide-water area with its modified English institutions, so the thirteen colonies were now to produce states on the Western Waters, and a political life still more transformed. A multitude of propositions for great land companies, and for new colonial governments in the trans-Alleghany lands, showed a consciousness that the advance was at hand. Fearful of arousing the Indians, and apprehensive that the advance of settlements would withdraw the colonists beyond the reach of British government and trade, the king issued a proclamation in 1763, forbidding the granting of lands or the making of settlements beyond the sources of the rivers that fall into the Atlantic. But neither crown officers nor colonists acted on the theory that settlement was to be permanently excluded. In 1768, at the treaty of Fort Stanwix, the Six Nations ceded to the crown whatever title they had to lands between the Ohio and the Tennessee. At the same time they conveyed to Baynton, Wharton, and Morgan, a firm that traded with the Indians around Pittsburgh and in the Illinois country, a tract comprising about one-fourth of the State of West Virginia, as now constituted. This tract lay between the Little Kanawha and the Monongahela, and was named Indiana. On the basis of this grant a more extensive and ambitious company was formed, which absorbed the Indiana company and the former Ohio company and included such men as Franklin in its list of members.

After a persistent effort it gained from the Lords Commissioners of Trade and Plantations a report in 1773, recommending the grant of an immense tract, comprising nearly the present state of West Virginia together with that part of Kentucky east of a line from the Scioto to Cumberland Gap.<sup>1</sup>

All of this area was to be erected into a new colony and to bear the name of Vandalia. It was reported in the American newspapers that the seat of the government was to be at the mouth of the Great Kanawha, and that Mr. Wharton, of Philadelphia, was to be the first governor. Although all of the process of transfer, excepting a few formalities, had been effected, the outbreak of the American Revolution put a stop to the grant. The company soon appealed to Congress, urging that body to assert its right to the crown lands as the property of the whole Union, and to confirm the Vandalia grant. The intrigues of this company had a marked effect on the actions of Congress, and of the Western settlers; and its career is also interesting as illustrating the English policy. At the time when settlement was beginning to cross the Alleghanies, and on the eve of American independence, England had announced her intention to govern the West through great proprietary companies, headed by wealthy or influential men in that country and America.

The treaty of Fort Stanwix had an additional effect in the impetus it gave to the advance of the frontiersmen by affording them a right to enter these Indian lands. The pioneers had their own ideas of liberty and of government, and were not to have their political destiny shaped without a part in the movement. Already they had reached the mountain wall that separated East and West. Before them lay the "Western Waters." From the mountains the backwoodsman, looking to the East, could see, through the forbidding mountain masses, the broken chasms along which flowed the sources of the far-stretching rivers, on whose lower courses the tide-water planters dwelt. Turning away from the rented lands of the old provinces, he saw other rivers cutting their way to the West to join the Mississippi. These river systems constituted four natural areas.

1. The New River, rising in North Carolina near the head springs of rivers that flowed to the Atlantic, tore a defiant course through the Blue Ridge and the Alleghanies to join the Great Kanawha in West Virginia. Another tributary of the Great Kanawha, the Greenbrier, rising near the sources of the Mononga-

<sup>1</sup> See map accompanying this paper. The boundaries are described in Franklin, *Works*, X. 348, 349.



hela, skirted the western edge of the Alleghanies in its southward flow. Here on the upper waters of the Ohio, was the physiographic basis for a state, a natural unit, rudely cut by the Pennsylvania boundary line, and apportioned between that state and Virginia, in spite of the veto of the Alleghanies.

2. Near to the springs of the New River were the many streams that flowed between the ridges of the Cumberland Mountains and the Alleghanies to join the Tennessee. These affluents of the Tennessee, — Powell's River, the Clinch, the Holston, the French Broad, the Nolichucky, and the Watauga, walled in to east and west by mountains, made another natural unit. Here Virginia's southern line ran right across these river courses, and left the settlements at the head of the Holston in Virginia, while their neighbors lower on the river were under the jurisdiction of North Carolina; and between these settlements and the parent States ran the Alleghany wall. It would be strange if these physiographic facts did not produce their natural result.

3. Passing through Cumberland Gap at Virginia's southwest corner, the pioneer reached another area of Virginia's back lands, the greenswards of Kentucky. This land was bounded on the north by the Ohio, while to the south was the Cumberland, forming a natural boundary, but severed for the most part from the political bounds of the region by the same unreasonable Virginia line that had cut in two the settlements on the Tennessee. These Kentucky fields constituted another natural economic area.

4. Across the Ohio lay the wide Northwest, between the Mississippi and the Great Lakes, its ownership in dispute between Virginia, Massachusetts, and Connecticut, under their charter bounds, and New York, through her protectorate over the Six Nations.

As the pioneer on his mountain height looked eastward and westward, the conviction was forced upon him that he had come to the parting of ways. Not long could he be held by the political reins of the Atlantic coast; even England had recognized and feared this. But not only did these "Western Waters," as the pioneer called them, reveal the separation of East from West, they insured the unity of the "Western World," to use another of his phrases. The waters of the West Virginia region interlocked with the waters of eastern Tennessee; on the borders of the same settlements, Cumberland Gap opened like a door to Kentucky; and all these winding rivers poured their flood into the Mississippi, the indispensable highway of commerce for the Western lands.

Hardly was the treaty of Fort Stanwix made, when Daniel Boone was on his way from his cabin on the Yadkin, "in quest of

the country of Kentucke," and James Robertson with his neighbors from North Carolina was settling on the Watauga, in what is now eastern Tennessee. Although the Watauga settlement was within the limits of North Carolina's western claims, that colony had not given civil organization to the region. Thus the settlers were in the position of the Pilgrim Fathers, or the settlers at Exeter,<sup>1</sup> without formal laws or political institutions. Haywood<sup>2</sup> is authority for the statement that in 1772 the Watauga pioneers formed a written association and articles for their conduct; they appointed five commissioners, a majority of whom was to decide all matters of controversy and to govern and direct for the common good in other respects. Robertson and many of the settlers were from that part of the interior of the Carolinas where the backwoodsmen had found it necessary to "associate" in written agreements for the purpose of "regulating" the horse thieves by summary methods in the absence of efficient courts, or of resisting the fees of colonial officers when they deemed them illegal or extortionate. These Regulators flourished from 1764 to the time of the settlement on the Watauga.<sup>3</sup> Robertson was also familiar with Husband's Relation<sup>4</sup> (1770) which justified these associations, and his friends and neighbors were at the battle of the Alamance in 1771. It is not unreasonable to conclude that the suggestion of the Watauga Association may have been due to the Regulating Associations. But the expedient was a natural one to Scotch-Irishmen, brought up on Presbyterian political philosophy; and it was a common mode of organization at the outbreak of the Revolution.<sup>5</sup> The Watauga settlers petitioned the Provincial Council of North Carolina, in 1776, to extend its government to their community. They had supposed their settlements to lie within the limits of Virginia, and their lands to have been purchased from the Indians by that state, and, therefore, to be open to settlers by pre-emption. But, finding their lands south of the line, in unorganized territory

<sup>1</sup> Cf. p. 72, ante.

<sup>2</sup> Haywood, *Tennessee*, 41 (1823).

<sup>3</sup> On the Regulators' associations, see Ramsay, *South Carolina*, I. 210, 211; *Colonial Records of North Carolina*, VII., *passim*; Wheeler, *North Carolina*, II. 301, *et passim*; Moore, *North Carolina*, I.

<sup>4</sup> Putnam, *Middle Tennessee*, 19.

<sup>5</sup> For example, Pendleton District, west of Fincastle County, Virginia, informed the Virginia convention that they had "formed themselves into a Society." The system of county associations and the Association of the Congress of 1774 are well known examples of this Revolutionary expedient. In 1779 settlers at Boonesboro', "for their own and the public good," entered into an association for making rules regarding the raising of a crop of corn. The text is in the *Louisville News Letter*, July 18, 1840 (Draper Colls.).

belonging to North Carolina, they leased and then purchased them from the Indians. In regard to government their petition<sup>1</sup> declares:—

Finding ourselves of the Frontiers, and being apprehensive that for want of a proper legislature, we might become a shelter for such as endeavored to defraud their creditors; considering also the necessity of recording Deeds, Wills, and doing other public business; we by consent of the people formed a court for the purposes above mentioned, taking (by desire of our constituents) the Virginia laws for our guide, so near as the situation of affairs would admit; this was intended for ourselves, and was done by the consent of every individual; but wherever we had to deal with people out of our district, we have ruled them to bail to abide by our determinations (which was in fact leaving the matter to reference,) otherwise we dismissed their suit, lest we should in any way intrude on the legislature of the colonies.

Their desire not to be regarded as a “lawless mob,” and their petition for annexation to North Carolina, resulted in that state’s receiving their representatives in 1776, and in the organization of the settlement as Washington County, in the following year. On the whole, the Association appears to have been a temporary expedient, pending the organization of North Carolina’s county government, and comparable to the Western “claim associations” of later times.<sup>2</sup> The same type of government is to be seen in the Cumberland Association. In 1780 James Robertson led an exodus from Watauga to Nashborough at the bend of the Cumberland, and in the spring of that year delegates chosen by the people at the different forts, or stations, assembled and made a compact. Its features resembled those of Watauga; the articles related largely to the mode of regulating disputes in regard to land, and the government was looked upon as temporary.<sup>3</sup> After three years the Cumberland pioneers were organized as Davidson County of North Carolina. The continuity of the old government and the new is indicated by the fact that the four justices of the new court had all been “judges, or triers” of the former Association.<sup>4</sup> As showing how readily the backwoodsmen seized upon the idea of a

<sup>1</sup> Ramsey, *Annals of Tennessee*, 134. The petition was signed by one hundred inhabitants of “Washington District.”

<sup>2</sup> See Macy, *Institutional Beginnings of a Western State*, and Shambaugh, *Claim Association of Johnson County, Iowa*, Iowa City, 1894. Bancroft, *Popular Tribunals*, and Shinn, *Mining Camp*, illustrate other phases of the Association.

<sup>3</sup> Putnam and Ramsey give the documentary material for the political history of the Cumberland settlement. See also Roosevelt, *Winning of the West*, II., ch. xi.

<sup>4</sup> Roosevelt, II. 366.

social compact in vacant territory, the little settlement of Clarks-ville,<sup>1</sup> farther down the Cumberland, may be instanced. Here on January 27, 1785, a "convention" was held at which eleven men, calling themselves "a majority of the actual settlers of the town," met and asserted their right, in the absence of Congressional government, to make laws not repugnant to the Constitution of the United States, or to the resolves of Congress. They established a tribunal of four magistrates with judicial authority and elected a sheriff to carry out their decisions. The organization continued at least as late as November, 1787. It was the multiplicity of revolutionary associations, and the ease with which they might run into the form taken by the later Vigilance Committees of the far West, that led even so ardent a follower of revolutionary principles as Patrick Henry to declare in 1786, regarding the defenceless condition of the Western frontiers, "that protection, which is the best and grand object of social compact is withdrawn, and the people, thus consigned to destruction, will naturally form associations, disgraceful as they are destructive to government."

Thus the earliest form of government in the region west of the Alleghanies was the Association of the backwoodsmen themselves; but it was soon followed by the attempt of a land company, without governmental sanction, to secure an imperial domain by Indian purchase and to institute a proprietary government. Daniel Boone's Kentucky explorations bore fruit in the formation of the Transylvania Company, January 6, 1775, with Judge Richard Henderson of North Carolina at its head. Among the terms of agreement entered into by the nine proprietors, all of them from North Carolina, one had reference to "sitting and voting as a proprietor and giving rules and regulations for the inhabitants."<sup>2</sup> The memories of Clarendon and Monk, and the Fundamental Constitutions of John Locke would seem to have taken possession of the mind of the Carolina jurist, and visions of a new palatinate in the backwoods to have arisen before him. In 1775, this company effected a purchase from the Cherokees of all their lands

<sup>1</sup> Draper Colls., William Clark Papers, I. 103, 105, contain the original minutes of the convention. These collections of the late Dr. Lyman C. Draper, embracing more than four hundred folio volumes of manuscripts on Western history, principally in the Revolutionary period, are the property of the State Historical Society of Wisconsin. These papers are very largely contemporaneous documents, few of which have been published. They constitute a monument to the ability of Dr. Draper as an antiquarian and collector. The present paper is chiefly based upon these documents; and I am indebted to the courtesy of Mr. Reuben G. Thwaites for giving me every facility for using these sources.

<sup>2</sup> This document and the agreement of the Louisa Company, as well as Henderson's MS. journal, are in Draper Colls., Ky. MSS., I.

between the Ohio, Kentucky, and Cumberland rivers, and including Powell's Valley of eastern Tennessee. This domain was Transylvania.<sup>1</sup> Boone and his riflemen had already blazed the Wilderness Road to Kentucky, and were holding their grounds against the hostile savages. Here too were other bands of settlers, led by Harrod, holding by the tenure of their rifles, and without government. When Henderson arrived, he first opened his land office, and then broached the question of political organization. If ever the Carolina proprietary had been his model, it suffered a forest-change. He writes in his Journal: "The plann was plain and simple—twas nothing novel in its essence. A thousand years ago it was in use, and found by every years's experience to be unexceptionable. We were in four distinct settlements. Members or delegates [should be elected] from every place by free choice of Individuals, they first having entering [*sic*] into writings solemnly binding themselves to obey and carry into Execution such Laws as representatives should from time to time make, concurred with by a Majority of the Proprietors present in the Country." This plan met with the frontiersmen's approval; and Henderson appointed May 23, 1775, for the Convention, and "made out writings for the different towns to sign." Accordingly delegates appeared at this open air convention, six from Boonesboro' and four from each of the other settlements. In his proprietary address, opening the convention, Henderson declared: "If any doubt remain amongst you with respect to the force and efficacy of whatever laws you may now or hereafter make, be pleased to consider that all power is originally in the people," and that the laws "derive force and efficacy from our mutual consent." The backwoods legislators passed laws suited to their needs, which were approved by Henderson, and they entered into a compact with the proprietors, defining their respective rights, and outlining a legislative organization with two chambers for the colony when it should arrive at greater maturity.<sup>2</sup> By retaining the veto power the proprietors prevented the possibility of legislation adverse to their claims; but the proceedings of the convention show how far they had deemed it the part of wisdom to make concessions to the spirit of freedom.<sup>3</sup> The Transylvania Convention never met again. The governors

<sup>1</sup> The boundaries, with map, are discussed in the *Report of the Bureau of Ethnology*, 1883-4, pp. 148 *et seq.* See Draper Colls., Ky. MSS., I. (A). The boundaries are approximately shown in the map accompanying this paper.

<sup>2</sup> The Journal of the Proceedings is printed in Collins, *Kentucky*, II. 501.

<sup>3</sup> For Powell's Valley Henderson prepared a form of government, with a separate assembly, for the reason that it was too remote to share in the legislature in Kentucky. It does not seem to have been put into operation. Draper Colls., Ky. MSS., I. (A).

of Virginia and of North Carolina denounced the company in proclamations, and felt the greatest indignation over this "infamous Company of Land Pyrates" that had infringed the Earl of Granville's proprietary.<sup>1</sup> But the days of proprietaries, English and American, were numbered. The Revolution had begun, and in the fall of 1775, the Transylvania proprietors, at a meeting in North Carolina, delegated James Hogg, one of their number, to represent them in the Continental Congress, and to present to that body a memorial desiring Congress to take the infant colony under its protection.<sup>2</sup> The correspondence of this proprietor in January of 1776, from Philadelphia, enables us to see how Congress received the news of this attempt.<sup>3</sup> Mr. Hogg writes that he found the two Adamsses friendly, but unwilling to act without the prior consent of Virginia. Jefferson, he said, expressed the wish to see a free government established at the back of Virginia, properly united with them, and desired it to extend westward to the Mississippi, and on each side of the Ohio to their charter line; but he would not consent to Congressional action, until the proposition had the approval of the Virginia convention. Deane, of Connecticut, held out hopes of a considerable migration<sup>4</sup> from that state, and wrote a long letter<sup>5</sup> advising Transylvania to follow Connecticut ideals of government. He pointed out that Connecticut began with a voluntary compact of government, and governed under it until their charter of 1662. "You would be amazed," wrote Hogg, "to see how much in earnest all these speculative gentlemen are about the plan to be adopted by the Transylvanians. They entreat, they pray that we make it a free government, and beg that no mercenary or ambitious views in the proprietors may prevent it. Quit-rents, they say, is a mark of vassalage, and hope they shall not be established in Transylvania. They even threaten us with their opposition, if we do not act upon liberal principles when we have it so much in our power to make ourselves immortal. Many of them advise a law against negroes."

But Harrod's party in Kentucky petitioned Virginia to take the settlements under her protection, complained against the price of

<sup>1</sup> Foote, *Sketches*, 49; *North Carolina Colonial Records*, X. 273, 323.

<sup>2</sup> *4 American Archives*, IV. 553; *N. C. Col. Recs.* X. 256; Hall, *Sketches of the West*, II. 223.

<sup>3</sup> *N. C. Col. Recs.* X. 300, 373; *4 Am. Archives*, IV. 543.

<sup>4</sup> On November 12, 1775, Governor Martin, of North Carolina, reported a rumor to Lord Dartmouth that Hogg was negotiating with two thousand Connecticut people to settle in Transylvania. This was not at all impossible. Compare *Am. Hist. Association Rep.*, 1893, p. 333, and *Canadian Archives*, 1890, pp. 103, 156.

<sup>5</sup> *N. C. Col. Rec.* X. 300; *4 Am. Archives*, IV. 556.

lands fixed by Henderson, denounced the action of the Transylvania convention, as having been "overawed by the presence of Mr. Henderson," and closed by requesting that if Virginia believed their case more properly belonged to the Continental Congress, she should recommend her delegates to espouse it there.<sup>1</sup> The proprietors, in their reply, scouted as absurd the idea that they had desired to erect a separate government within the limits of another, and declared that the measures of the Transylvania convention were intended as mere temporary by-laws for the good of their little community, and which the necessities of the case justified. This was hardly in keeping with Henderson's address to the Transylvania convention. "You," he had assured his backwoods listeners, as they stood about him under the mighty elm that made the legislative hall, "You are placing the first corner-stone of an edifice, the height and magnificence of whose superstructure is now in the womb of futurity, and can only become great and glorious in proportion to the excellence of its foundation." But though the proprietors were now ready to yield the glory of commonwealth-builders, for the more substantial benefits of the quit-rents, Virginia annulled their title, at the same time compensating them in part with a grant of 200,000 acres.

The settlers, left to their own devices, held a meeting at Harrodsburg in the summer of 1776, and sent George Rogers Clark and a companion as delegates to the Virginia Assembly. Clark, it is said, had desired the people to choose agents with general powers to negotiate with the governor of Virginia, and if abandoned by that state, to employ the lands of the country as a fund to obtain settlers, and establish an independent state; but he was overruled;<sup>2</sup> and in 1777 Virginia organized this "respectable Body of Prime Riflemen," as, in their petition, they denominated themselves, into a county with the boundaries of the present Kentucky.

In the meantime the region of the Vandalia company and western Pennsylvania had become the scene of a new state project. Pennsylvania and Virginia had a boundary dispute involving the possession of the headwaters of the Ohio, and particularly the region between the Youghiogeny and the Ohio. In this tract, at the opening of the Revolution, settlers from these rival states disputed the ownership of the same pieces of land, rival local organizations covered the same territory, and the partisans of the Old Dominion and the adherents of the Quaker state called each other a "horde of banditti" with reciprocal

<sup>1</sup> 4 *Am. Archives*, VI. 1528.

<sup>2</sup> Butler, *Kentucky*, 38 (2d edition).



vehemence. The anarchical conditions kept the settlers in continual excitement and prevented their union against the Indians, and even threatened interstate war in the midst of the struggle against England. The inhabitants of this country, "Miserably distressed & harrassed and rendered a scene of the most consummate Anarchy & Confusion," circulated a memorial to Congress shortly after the Declaration of Independence, asking organization as a new state.<sup>1</sup> Between the claims of the Indiana and Vandalia companies, and the contentions of Virginia and Pennsylvania, they were all at sea respecting their property rights, and they felt themselves in a more deplorable condition than "whilst living on the poor, barren, rented lands in their respective provinces below." They recounted their incessant struggles against the Indians. "Tho' neither politicians nor orators," said they, "we are at least a rational and Social People, inured to Hardships & Fatigues, & by experience taught to dispise Dangers and Difficulties." They protested that having immigrated from almost every province of America, "brought up under and accustomed to various different, & in many respects discordant & even contradictory systems of laws and government," and "having imbibed the highest and most extensive ideas of liberty," they will "with Difficulty Submit to the being annexed to or Subjugated by (Terms Synonomous to them) any one of those Provinces, much less the being partitioned or parcelled out among them"; nor will they submit "to be enslaved by any set of Proprietary or other Claimants, or arbitrarily deprived and robbed of those Lands and that Country to which by the Laws of Nature & of Nations they are entitled as first Occupants, and for the possession of which they have resigned their All & exposed themselves and families to Inconviences, Dangers, & Difficulties, which Language itself wants Words to express & describe." With especial vehemence these frontiersmen deny that they will endure the loss of their rights "whilst the Rest of their Countrymen, softened by Ease, enervated by Affluence and Luxurious Plenty & unaccustomed to Fatigues, Hardships, Difficulties or Dangers, are bravely contending for and exerting themselves on Behalf of a Constitutional, national, rational & social Liberty." By population and territory they believed that they were justified in demanding independent statehood. West of the Alleghanies, on the tributaries of the Ohio above the Scioto, they reported 25,000 families. The seat of

<sup>1</sup> Mr. Frederick D. Stone, of the Pennsylvania Historical Society, discovered this memorial. It is printed in Cumrine's *History of Washington County, Pennsylvania*, 187.

government, whether under Virginia or Pennsylvania, was four or five hundred miles distant, and "separated by a vast, extensive and almost impassible Tract of Mountains, by Nature itself formed and pointed out as a Boundary between this Country & those below it." They therefore appealed to the Continental Congress as "the Guardians, Trustees, Curators, Conservators, & Defenders of all that is dear or valuable to Americans," to constitute them a distinct and independent province and government, by the name of Westsylvania, "a sister colony and fourteenth province of the American confederacy." The bounds of the prospective state included most of Pennsylvania beyond the Alleghanies, West Virginia, and eastern Kentucky.<sup>1</sup> Although Westsylvania did not receive the sanction of Congress, the project for a state in that region was too well founded to die out, as the history of the state of West Virginia proves. During the heat of the Revolution the movement had a moment of lull, but the backwoodsmen kept in mind the actions of Congress in this period; and as the two movements are mutually interpretative, we must turn briefly to recall the actions of Congress in the years succeeding.<sup>2</sup>

In the fall of 1777, Maryland tried vainly to induce Congress to assert the power to limit the states which claimed to the Mississippi, and to lay out the land beyond the boundary thus fixed into separate and independent states. The little landless states, Maryland, Rhode Island, New Jersey, and Delaware, made repeated efforts in the next two years to secure to Congress the possession of the back lands, though Maryland alone continued a consistent opposition to allowing the jurisdiction of the region involved to remain with the claimant states. It may have been that New Jersey's interest was quickened by the strength which the Indiana company had in that state, through the efforts of

<sup>1</sup> See the map. The boundary ran as follows: "Beginning at the Eastern Bank of the Ohio, opposite the mouth of the Scioto, & running thence in a direct line to the Owasito Pass [Cumberland Gap], thence to the top of the Alleghany Mountains thence with the Top of the said Mountains to the northern limit of the purchase made from the Indians in 1768, at the Treaty of Fort Stanwix, thence with the said limits to the Alleghany or Ohio River, and thence down the said River as purchased from the said Indians at the said Treaty of Fort Stanwix to the Beginning." For the Fort Stanwix line, see *N. Y. Col. Docs.*, VIII. 136, 137, with map.

<sup>2</sup> Only such a view of Congressional action is here given as suffices to show the relation of this action to the plans of the Westerners. See for convenient summaries: Hinsdale, *Old Northwest*, chs. xii.-xiv.; Barrett, *Evolution of the Ordinance of 1787*; Adams, *Maryland's Influence on the Land Cessions*; Stone, *Ordinance of 1787*. Documentary material is in *Journals of Congress*, and *Secret Journals of Congress, Domestic*, 372, 377, 428, 433; *Secret Journals, Foreign Affairs*, III. 161 (1821); Hening, X. 549; Gilpin, *Madison Papers*, I. 122; Thomson Papers, in *N. Y. Hist. Soc. Colls.*, 1878, p. 100.

Col. George Morgan of Princeton, the active agent and promoter of the company, and through the number of New Jersey men interested in these land speculations. On September 14, 1779, memorials from the Vandalia and Indiana companies were presented to Congress,<sup>1</sup> protesting against Virginia's claim to lands beyond the Alleghanies, and asking an investigation of their claims. About a year later,<sup>2</sup> Congress recommended to the states a liberal cession of their Western lands to the Union; and, on October 10, 1780, resolved that the unappropriated lands that might be thus ceded should be "disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the federal union, and have the same rights of sovereignty, freedom, and independence as the other states; that each state which shall be formed shall contain a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit." These resolutions came at a time when the Westerners were petitioning Congress for such action,<sup>3</sup> and in their turn they were circulated throughout the frontier and stimulated action. Shortly after their passage George Morgan wrote to a Kentucky friend,<sup>4</sup> that all the country west of the Alleghanies would probably be put under the direction of the United States, and Virginia limited to the waters which fall into the Atlantic. In this case, he thought, several new states would be established, "independent, though united with our present Confederacy of Thirteen," and he promised to send to his correspondent a "pamphlet now in the press on this subject." Within a few weeks<sup>5</sup> Paine's *Public Good* appeared with an elaborate attack on the trans-Alleghany claims of Virginia, and with its proposition that Congress should create a new state to include the Vandalia area, and an additional slice of the Kentucky territory.<sup>6</sup> Paine was accused of receiving compensation from the Indiana company

<sup>1</sup> *Journals of Congress*, of that date. Cf. Franklin, *Works*, X. 346 (1888).

<sup>2</sup> September 6, 1780.

<sup>3</sup> Besides the Transylvania and Westsylvania petitions, already mentioned, see Kentucky petition of May 15, 1780, in Roosevelt, *Winning of the West*, II. 398, and the projects of western Pennsylvania to be noted later.

<sup>4</sup> Draper Colls., Clark MSS., L. 76.

<sup>5</sup> The letter was written December 1; Paine's *Public Good* was published December 30, 1780.

<sup>6</sup> See the map. The state's boundaries were to be the Alleghanies, the Ohio as far north as the Pennsylvania line, thence down the Ohio to its falls, thence due south to the latitude of North Carolina's line, and thence east to the mountains again. Conway, *Writings of T. Paine*, II. 62, 63.

for this pamphlet,<sup>1</sup> and it may have been the one which Morgan expected to distribute as campaign literature in the West.

In 1780 Pennsylvania and Virginia agreed on a proposition for running a temporary boundary line, and for settling land titles on either side of the boundary by the test of priority of occupation. But the running of the line was much delayed, so that not until 1784 was the southwest corner of Pennsylvania definitively fixed by the two states. In the interval the Virginia men who found themselves likely to come under Pennsylvania's jurisdiction were active in proposing a new state. Questions of taxation, land fees, and the dislike of accepting the test of priority for their claims were some of the reasons for discontent.<sup>2</sup> As early as May, 1780, new state meetings were projected in the region,<sup>3</sup> and in the fall of the same year, some of the Virginia partisans drew up a memorial to Congress, urging that body to encourage the settling of "the Western World," by the formation of a new state with such limits as should seem best to Congress. They complained of their distance from the parent states on the east; and of the almost impassable mountain barrier in that direction; while in the opposite direction flowed the Western Waters, offering an outlet for the produce of their fertile lands, could they but have a trade established on those waters. "When we consider our remote situation," say they, "we cannot but reflect that such a distance renders our Interest incompatible; for when any part of a State lies so remote from its Capital that their produce cannot reach the market, the Connection ceases, & from thence proceeds a different Interest & consequently a Coolness." Taxation on equal terms with their Eastern fellow-citizens was also a grievance, for, with no staple commodity that they could send to the capital, or any other seaport, they could not secure the specie for paying the tax. "But," say they, with an idealism common to the West, "were we a separate state, a Trade on the Western Waters undoubtedly would be opened for our relief." They advanced the doctrine, inconsistent with the Articles of Confederation (and possibly derived from their construction of the resolutions of Congress of September and October), that "our Union declares when any state grows too large or unwieldy, the same may be divided into one or more States; that the people have a right to emigrate from one state to another and

<sup>1</sup> Draper Colls., Clark MSS., XI. 10, cites *Virginia Gazette*, April 6, 1782, and *Maryland Journal*, April 2, 1782, to the effect that the company gave Paine a deed for 12,000 acres. Conway, *Life of Paine*, argues against the charge.

<sup>2</sup> Others are mentioned in *Cal. Va. State Papers*, III. 630, 631, 135.

<sup>3</sup> *Hist. of Washington County, Penna.*, 232.

form new states in different Countries, whenever they can thereby promote their own Ease & Safety." In addition, they remind Congress of the King's Proclamation of 1763, and the Vandalia grant, and ask Congress carefully to investigate all the charters, and, "candidly determine all such Matters and Things as so nearly concern any of the subjects of America & which tend to sap & undermine the Liberty of the People."<sup>1</sup> Nor was it only the friends of Virginia that were considering independent statehood. The Congressional resolutions mentioned were regarded in western Pennsylvania as applying to that state, as well as to the states whose claims ran to the Mississippi. In Westmoreland County apprehensions were aroused, lest, if Pennsylvania should cede its unappropriated area, this county would be retained by the parent state; for, though west of the Alleghanies, they were more thickly populated. "If the unappropriated parts of the country are relinquished," wrote Thomas Scott,<sup>2</sup> who went from that district to Congress in 1789, and who was familiar with the views of the settlers, "we must go with it, or Else we shall remain a people dependent on pennsylvania, Remote in situation, different in Interests, few in number, and forever prevented of future groath." The agitation continued through 1781 and 1782, sometimes taking the form of propositions to cross the Ohio and establish a new state near the Muskingum.<sup>3</sup> The Virginia settlers refused to pay taxes, and drove off the Pennsylvania assessors. Besides their uncertainty to whom their taxes were rightfully due, and whether by a new state movement they might not evade them altogether, they found it a peculiar hardship to pay their taxes in specie.<sup>4</sup> To repress these agitations, Pennsylvania enacted a law in 1782, reciting that the unlocated lands were pledged as a fund for extinguishing her obligations to the former colonial proprietors, and declaring any attempt to establish a separate state within her

<sup>1</sup> Draper Colls., Shepherd Papers, I. 177, 179, B. Johnston to Colonel Shepherd, enclosing a draft of the memorial. The letter was begun in October and sent in November, 1780.

<sup>2</sup> Scott to President Reed, of Pennsylvania, January 24, 1781. 1 *Penna. Archives*, VIII. 713.

<sup>3</sup> *Washington-Irvine Correspondence*, 231, 233, 109, 244, 266; 1 *Penna. Archives*, IX. 233, 519, 572, 637, 662; McMaster, III. 98. Kentucky settlers projected a movement across the Ohio in 1780 and petitioned Congress for permission. *Archives of Continental Congress*, XLVIII. 245, 247.

<sup>4</sup> Compare the grievances of the same region in the Whiskey Rebellion. The lack of specie has always been a frontier complaint. In 1783 Virginia allowed her western settlers to pay one-half their taxes in frontier commodities; the state of Franklin made out a schedule of the specie value of commodities acceptable for taxes and salaries, including linen, beaver skins, raccoon skins, bacon, beeswax, and good rye whiskey.

borders high treason, punishable by death.<sup>1</sup> Early the next year, the authorities sent the Rev. James Finley, a prominent Scotch-Irish Presbyterian, who had preached among the Westerners, to investigate matters and allay the disturbance.<sup>2</sup> He found a particularly important field for his efforts among the clergy of his own denomination; for here, as in other localities, these preachers were promoting the idea of independence and the compact organization of the state. One of the arguments which Finley had to meet was the way in which the Puritan colonies had been established.

FREDERICK JACKSON TURNER.

<sup>1</sup> *Laws of Pennsylvania*, II. 60 (edition of 1810).

<sup>2</sup> *Penna. Archives*, IX. 729; X. 163, 40, 41. He recapitulates the arguments with which he met the demands for statehood.

(*To be continued.*)

## DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that an exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

### *I. Colonel William Byrd on Slavery and Indented Servants, 1736, 1739.*

THE following two letters are taken from the letter-books of Colonel William Byrd, preserved at Lower Brandon, Va. For courteous permission to make use of them, the REVIEW is indebted to the owner of the letter-books, Mrs. Harrison of Brandon. The writer, the second Colonel William Byrd, of Westover (1674-1744), was the noted author of the *History of the Dividing Line*, the *Journey to the Land of Eden*, etc., and was for many years a member of the Governor's Council. The first Earl of Egmont (d. 1748), to whom the first of these letters was written, was the first president of the trustees of Georgia. He was the father of the second earl, who was for a time First Lord of the Admiralty, and grandfather of the Marquis of Hastings (Lord Rawdon). The first letter is dated Virginia, July 12, 1736, the second, November 10, 1739.

#### COLONEL BYRD TO LORD EGMONT.

. . . . Your Lord<sup>ps</sup> opinion concerning Rum and Negroes is certainly very just, and your excludeing both of them from your Colony of Georgia will be very happy; tho' with Respect to Rum, the Saints of New England I fear will find out some trick to evade your Act of Parliament. They have a great dexterity at palliating a perjury so well as to leave no taste of it in the mouth, nor can any people like them slip through a penal statute. They will give some other Name to their Rum, which they may safely do, because it gos by that of Kill-Devil in this country from its banefull qualitys. A watchfull Eye must be kept on these foul Traders or all the precautions of the Trustees will be in vain.

I wish my Lord we could be blest with the same Prohibition. They import so many Negroes hither, that I fear this Colony will some time or



other be confirmd by the Name of New Guinea. I am sensible of many bad consequences of multiplying these Ethiopians amongst us. They blow up the pride, and ruin the Industry of our White People, who seeing a Rank of poor Creatures below them, detest work for fear it should make them look like Slaves. Then that poverty which will ever attend upon Idleness, disposes them as much to pilfer as it does the Portuguese, who account it much more like a Gentleman to steal, than to dirty their hands with Labour of any kind.

Another unhappy Effect of Many Negros is the necessity of being severe. Numbers make them insolent, and then foul Means must do what fair will not. We have however nothing like the Inhumanity here that is practiced in the Islands, and God forbid we ever should. But these base Tempers require to be rid with a tort Rein, or they will be apt to throw their Rider. Yet even this is terrible to a good naturd Man, who must submit to be either a Fool or a Fury. And this will be more our unhappy case, the more Negros are increast amongst us.

But these private mischeifs are nothing if compar'd to the publick danger. We have already at least 10,000 Men of these descendants of Ham fit to bear Arms, and their Numbers increase every day as well by birth as Importation. And in case there should arise a Man of desperate courage amongst us, exasperated by a desperate fortune, he might with more advantage than Cataline kindle a Servile War. Such a man might be dreadfully mischeivous before any opposition could be form'd against him, and tinge our Rivers as wide as they are with blood. Besides the Calamitys which would be brought upon us by such an Attempt, it would cost our Mother Country many a fair Million to make us as profitable as we are at present.

It were therefore worth the consideration of a British Parliament, My Lord, to put an end to this unchristian Traffick of making Merchandize of Our Fellow Creatures. At least the farther Importation of them into our Colonys should be prohibited lest they prove as troublesome and dangerous everywhere, as they have been lately in Jamaica, where besides a vast expence of Money, they have cost the lives of many of his Majesty's Subjects. We have mountains in Virginia too, to which they may retire as safely, and do as much mischeif as they do in Jamaica. All these matters duly considerd, I wonder the Legislature will Indulge a few ravenous Traders to the danger of the Publick safety, and such Traders as would freely sell their Fathers, their Elder Brothers, and even the Wives of their bosomes, if they could black their faces and get anything by them.

I entirely agree with your Lord<sup>ship</sup> in the Detestation you seem to have for that Diabolical Liquor Rum, which does more mischeif to Peoples Industry and morals than any thing except Gin and the Pope. And if it were not a little too Poetical, I should fancy, as the Gods of Old were said to quaff Nectar, so the Devils are fobbd off with Rumm. Tho' my Dear Country Men would think this unsavory Spirit much too Good for Devils, because they are fonder of it than they are of their Wives and Children,

for they often sell the Bread out of their mouths, to buy Rumm to put in their own. Thrice happy Georgia, if it be in the power of any Law to keep out so great an enemy to Health Industry and Vertue! The new Settlers there had much better plant Vinyards like Noah, and get drunk with their own Wine. . . . .

COLONEL BYRD TO MR. ANDREWS OF ROTTERDAM.

. . . . I know not how long the Palatines are sold for, who do not Pay Passage to Phyladelphia, but here they are sold for Four years and fetch from 6 to 9 Pounds and perhaps good Tradesmen may go for Ten. If these Prices woud answer, I am pretty Confident I coud dispose of two Ships Load every year in this River ; and I myself woud undertake it for Eight <sup>7</sup>/<sub>8</sub> cent on the Sales, and make you as few bad Debts as possible. This is the Allowance Our Negro Sellers have, which Sell for more than Double these People will, and consequently afford twice the Profet.

2. *Intercepted Letters and Journal of George Rogers Clark, 1778, 1779.*

The following intercepted letters relating to the Illinois expedition of George Rogers Clark in 1778 and 1779 have been, through the courtesy of Dr. Douglas Brymner, archivist of the Dominion, obtained from the Canadian Archives, Series B, Vol. 122. It is understood that they have never before been printed. The first, Helm's letter to Clark, sent when Hamilton was approaching Vincennes, was captured by one of the Indian parties which Hamilton sent out for such purposes from the Wea village (Ouiatanon). The second is, for the events of the days beginning February 23, 1779, the earliest account hitherto discovered, and is thought, therefore, to be of importance. The manner of its interception is indicated in a letter from Clark to Governor Patrick Henry, dated April 29, and preserved among the manuscripts of the Department of State, in which he says: "A few days ago I received certain intelligence of Wm. Moires my express to you being killed near the Falls of the Ohio, news truly disagreeable to me, as I fear many of my letters will fall into the hands of the enemy at Detroit."

HELM TO CLARK.

*Canadian Archives, Series B, Vol. 122, p. 250.*

*Dr Sir,* At this time theer is an army within three miles of this place I heard of their comin several days before hand I sent spies to find the certainty the spies being taken prisoners I never got intelligence till they

got within 3 miles of the town as I had call<sup>d</sup> the militia and had all assurance of their integrity I order<sup>d</sup> at the firing of a Cannon every man to appear, but I saw but few. Capt Burron behaved much to his honour and credit but I doubt the certain<sup>t</sup> of a certain gent Excuse hast as the army is in sight my Determination is to defend the Garrison though I have but 21 men but wht has lef me I referr you to the Mr W<sup>ms</sup> for the test<sup>1</sup> the army is in three hundred y<sup>d</sup> of the village you must think how I feel not four men that I can really depend on but am determined to act brave think of my condition I know its out of my power to defend the town as not one of the militia will take arms thoug before sight of the army no braver men their is a flag at a small distance I must conclud.

Y<sup>r</sup> humble serv<sup>t</sup>

LEO<sup>D</sup> HELMS

must stop.

No date, but endorsed as forwarded by Hamilton on the 18th December.

JOURNAL OF COLONEL CLARK.

*Canadian Archives*, Series B, Vol. 122, p. 289.

What preceeds this part of Col<sup>n</sup> Clarke's journal is only an account of his setting out and his march till the 23<sup>rd</sup> Feb<sup>y</sup>. Sett off very early, waded better than three miles on a stretch, our people prodigious, yet they keep up a good heart in hopes of a speedy sight of our enemys. At last about two o'clock we came in sight of this long sought town and enemy, all quiet, the spirits of my men seemed to revive we marched up under cover of a wood called the Warriours Island where we lay concealed untill sunset, several of the inhabitants were out a shooting by which was assur'd they had no intelligence of us yet. I sent out two men to bring in one who came and I sent him to town to inform the inhabitants I was near them ordering all those attached to the King of England to enter the Fort and defend it, those who desired to be friends to keep in their houses. I order'd the march in the first division Capt. Williams, Capt. Worthington's Company and the Cascaskia Volunteers, in the 2nd commanded by Capt. Bowman his own Company and the Cohos Volunteers. At sun down I put the divisions in motion to march in the greatest order and regularity and observe the orders of their officers—above all to be silent—the 5 men we took in the canoes were our guides; we entered the town on the upper part leaving detached Lt. Bayley and 15 riflemen to attack the Fort and keep up a fire to harrass them untill we took possession of the town and they were to remain on that duty till relieved by another party, the two divisions marched into the town and took possession of the main street, put guards &c without the least molestation I continued all night sending parties out to annoy the enemy and caused a trench to be thrown up across the main

<sup>1</sup> Evidently meant for *rest*. There is no punctuation, but apparently a full stop should follow *test*. — D. B.

street about 200 yds from the Fort Gate—we had intelligence that Capt. Lamotte and 30 men were sent out about 3 hours before our arrival to reconnoitre, as it seems they had some suspicion of a party being near them. One Maisonville and a party of Indians coming up the Ouabache with 2 prisoners made on the Ohio had discover'd our fires and they arrived here a few hours before us. I order'd out a party immediately to intercept them and took s<sup>d</sup> Maisonville and one man—they gave us no intelligence worth mentioning.

24th As soon as daylight appeared the enemy perceived our works and began a very smart fire of small arms at it, but could not bring their cannon to bear on them, about 8 o'clock I sent a flag of truce with a letter desiring Lt. Gov. Hamilton in order to save the impending storm that hung over his head immediately to surrender up the Garrison, Fort, Stores &c &c and at his peril not to destroy any one article now in the said Garrison—or to hurt any house &c belonging to the Inhabitants for if he did by Heaven, he might expect no mercy—his answer was Gov. H. begs leave to acquaint Col. C. that he and his Garrison were not disposed to be awed into any action unworthy of British subjects—I then ordered out parties to attack the Fort and the firing began very smartly on both sides one of my men thro' a bravery known but to Americans walking carlesly up the main street was slightly wounded over the left eye but no ways dangerous—About 12 o'clock the firing from the Fort suspended a Flag coming out I order'd my people to stop firing till further orders. I soon perceived it was Capt. Helm who after salutations inform'd me that the purport of his commission was, that Lt. Gov. Hamilton was willing to surrender up the Fort and Garrison provided Col. Clarke would grant him honourable terms and that he beg'd Col. Clarke to come into the Fort to confer with him, first I desired Capt. Helm not to give any intelligence of G. H's strength &c being on his Parole, second my answer to Gov. H was that I should not agree to any other terms than that Lt Gov. H should immediately surrender at discretion and allowed him half an hour to consider thereof—as to entering the Fort my off<sup>r</sup> and men would not allow of it, for it was with difficulty I restrained them from storming the Garrison—I dismissed Capt. Helm, with my answer, at the time allowed Capt. Helm came back with Lieut. Gov. H's second proposals which were—Lt Gov<sup>r</sup> Hamilton proposes to Col. Clarke a truce for three days, during which time there shall no defensive works be carried on in the Garrison provided Col. Clarke shall observe the like cessation on his part—he further proposes that whatever may pass between them two and any person mutually agreed upon to be present shall remain secret untill matters be finally determined. As he wishes that whatever the result of this conference may be—the Honor and credit of each may be considered—so he wishes he may confer with Col. Clarke as soon as may be—as Col. Clarke makes a difficulty of coming into the Fort Lt Gov. H will speak to him before the Gate

24 Feb<sup>y</sup> 1779 (signed) H. H.

This moment received intelligence that a party of Indians were coming up from the falls with Pris<sup>rs</sup> or Scalps, which party was sent out by G. Hamilton for that purpose, my people were so enraged they immediately intercepted the party which consisted of 8 Indians and a french man of the Garrison. they killed three on the spot and brought 4 in who were tomahawked in the street oposite the Fort Gate and thrown into the river — the frenchman we shewd mercy as his aged father had behaved so well in my party — I relieved the two poor Pris<sup>rs</sup> who were French hunters on the Ohio, after which C<sup>t</sup> Helm carried my answer thus — Col. Clarks comp<sup>ts</sup> to G. H. and begs leave to inform him that Col. Clarke will not agree to any other terms than of G. H. surrendering himself and Garrison prisoners at discretion — if G. H. desires a conference with Col. Clarke, he will meet him at the church with Capt. Helm.

24 Feb<sup>ry</sup> 1779 (signed) G. R. CLARK.

I immediately repaired there to confer with G. Hamilton where I met with him and Capt Helm.

Gov. Hamilton then begd I would consider the situation of both parties that he was willing to surrender the Garrison but was in hopes that Col. Clark would let him do it with Honour — I answered him I have been informed that he had 800 men — I have not that number but I came to fight that number. G. H. then replied who could give you this false information I am Sir (replied I) well acquainted with your strength and force and am able to take your Fort, therefore I will give no other terms but to submit yourself and Garrison to my discretion and mercy — he reply'd Sir my men are brave and willing to stand by me to the last, if I can't surrender upon Hon<sup>ble</sup> terms I'll fight it out to the last — Answered, Sir this will give my men infinite satisfaction and pleasure for it is their desire, he left me and went a few paces aloof, I told Capt Helm Sir you are a prisoner on your parole, I desire you to reconduct G. H. into the Fort and there remain till I retake you. Lt Gov. Hamilton then returned saying, Col. Clarke why will you force me to dishonour myself when you cannot acquire more honor by it — I told him could I look on you as a Gentleman I would do to the utmost of my power, but on you Sir who have embrued your hands in the blood of our women and children, Honor, my country, everything calls on me alloud for Vengeance. G. H. I know my character has been stained but not deservedly for I have allwise endeavour'd to instill Humanity as much as in my power to the Indians whom the orders of my superiours obliged me to employ. C. C. Sir I speak no more on this subject my blood glows within my veins to think on the crueltys your Indian parties have committed, therefore repair to your Fort and prepare for battle on which I turned off and the Gov and C<sup>t</sup> Helm towards the Fort — when Capt Helm says Gentlemen don't be warm, strive to save many lives which may be usefull to their country which will unavoidably fall in case you don't agree on which we again conferd — G. Hamilton said, is there nothing to be done but fighting — Yes, Sir, I will send you such articles as

I think proper to allow, if you accept them, well — I will allow you half an hour to consider on them on which C<sup>t</sup> Helm came with me to take them to G. H. — having assembled my officers I sent the following articles viz<sup>t</sup>

1st Lt. Gov. Hamilton engages to deliver up to Col. Clark Fort Sackville as it is at present with all the stores, ammunition, provisions, &c

2nd. The Garrison will deliver themselves up Pris<sup>rs</sup> of War to march out with their arms accoutrements, Knapsacks &c

3. The Garrison to be delivered up tomorrow morning at 10 o'clock.

4th. Three days to be allowed to the Garrison to settle their accounts with the traders of this place and inhabitants.

5. The officers of the Garrison to be allowed their necessary baggage &c.

(signed) Post Vincent 24th Feb<sup>r</sup> 1779

G. R. CLARK.

Within the limited time Capt. Helm returned with the articles signed thus, viz<sup>t</sup>

Agreed to for the following reasons, remoteness from succours, the state and quantity of Provisions &c the unanimity of officers and men on its expediency, the Honb<sup>le</sup> terms allow<sup>d</sup> and lastly the confidence in a generous Enemy.

(signed) H. HAMILTON Lt Gov & Superintend<sup>t</sup>

27th The willing (a boat) arrived at 3 o'clock she was detained by the strong current on the Ouabache and Ohio — 2 Lts and 48 men with two iron 4 lb<sup>rs</sup> and 5 swivels on board the willing.

#### CLARK TO GOVERNOR HENRY.

*Canadian Archives*, Series B, Vol. 122, p. 304.

*Dr Sir*, by W<sup>m</sup> Moiers you wrote to me, if possible to procure you some Horses and Mares nothing could give me greater pleasure than to serve but I doubt at present it is out of my power as my situation and circumstances is much alter'd as pr letter there being no such horses here as you request me to get and I have so much publick business to do especially in the Indian departm<sup>t</sup> that I doubt I shall not be able to go to the Illinois for some time I find that you have conceived a greater opinion of the horses in this country than I have. The Pawné and Chicasa horses are very good and some of them delicate, but the common breed in this country is trifling as they are adulterated. The finest Stallion by far that is in the country I purchased some time ago and rode him on this Expedition and resolved to make you a compliment of him but to my motification I find it impossible to get him across the drown'd lands of the Wabash as it is near three leagues across at present and no appearance of its falling shortly but you depend that I shall by the first opportunity send him to you. He

came from New Mexico, three hundred leagues west of this. I dont think it in my power to send you such mares as you want this spring, but in order to procure you the best can be got I shall contract with some man of the Spanish Government by permit of the Command<sup>t</sup> to go to the Pawné nation two hundred leagues west and get the finest mares to be had of the true blood, they will be good as they are all so, if they are handsome they will please you I shall give such instructions as will be necessary and am in hopes that you will get them by the fall. I could get five or six mares soon, at the Illinois very fine but I think they are hurt by hard usage as the Inhabitants are barbarous Horse Masters, but shall do it except I can execute my other plan. I thank you for your remembrance of my situation respecting lands in the Frontiers I learn that Government has reserves on the lands on the Cumberland for the Soldiers.

If I should be deprived of a certain tract of land on that river which I purchased three years ago and have been at a considerable expence to improve I shall in a manner lose my all. It is known by the name of the great French Lick on the south or west side containing three thousand acres, if you can do anything for me in saving of it — I shall for ever remember it with gratitude.

Their is glorious situations and bodies of land in this country formerly purchased I am in hopes of being able in a short time to send you a map of the whole — my comp<sup>ts</sup> to your Lady and family.

FORT ST HENRY } and remain Sir  
March 9 1779 } Your humble servant

G. R. CLARK.

pr Wm Moira.

[On the first line of the letter the name is Moiers; in the letter to Harrison it is Moires. — *D. B.*]

CLARK TO HARRISON.

*Canadian Archives, Series B, Vol. 122, p. 307.*

FORT ST HENRY ST VINCENT, March 10<sup>th</sup> 1779.

*Dr. Sir,*

I received your kind letter with the thanks of the House inclosed. I must confess Sir, that I think my country has done me more honor than I merited, but may rest assured that my study shall be to deserve that Honor they have already conferr'd on me.

by my publick letters you will be fully acquainted with my late successful expedition against Lt Gov<sup>r</sup> Hamilton who has fallen into my hands with all the principal Partizans of Detroit. This stroke will nearly put an end to the Indian war, had I but men enough to take the advantage of the present confusion of the Indian nations, I could silence the whole in two months I learn that five hundred men is ordered out to reinforce me.



If they arrive with what I have in the country, I am in hopes will enable me to do something clever.

I am with respect Sir

Your very humble servant

G. R. CLARK.

Colonel Harrison  
Speaker of the House  
Williamsburg  
p<sup>r</sup> W<sup>m</sup> Moires.

CLARK TO NANALOIBI.

*Canadian Archives, Series B, Vol. 122, p. 342.*

A NANALOIBI CHEF DES PONT.

J'entends toujours dire que les sauvages n'ont point d'oreilles — je crois qu'il seroit à propos que je fis une sortie sur eux pour leur en donner.

Cependant je ne me plains pas encore de toi ni de tes jeunes gens parce que l'on m'a dit que vous ne vouliez pas aller en guerre sur les grands couteaux c'est ce qui me decide aujourd'hui a te donner la main et te dire, comme pere, de rester tranquil sur tu natte — comme tu as fait jusqu'a present et d'avertir tous les sauvages qui sont de tes amis de n'etre plus fous et de charger pour faire vivre leurs femmes et leurs enfants plutot que de se meler de la guerre.

dis leur en mon nom que je suis aussi bon pere que bon guerrier et que s'ils poussent ma patience a Bout qu'ils me connoitront, s'il y en a qui veulent et encore fous je les invite de se precautionner d'armes solides parce qu'ils seroient malheureux s'ils venoient a manquer — j'ai des soldats qui n'ont point peur et qui sont fous aussi — je ne les pourrai peut etre point arreter moi même car ils ne cherchent que la guerre et ne demande qu'à se battre. ainsi je te repete encore que les sauvages restent tranquils je ne veux point qu'ils se battent ni pour ni contre moi s'ils ont les oreilles touchées qu'ils les fassent percer. Fait leur dire ou dit leur toi meme qu'il y a longtems que je les avertis et que je commence a être fatigué — de tous les sauvages je n'ecris qu'à toi et a *Mech Kigie* parce que je crois une partie des autres mes ennemis qui me connoitront à la premiere folie qu'ils pourront faire. N'écoute point les mauvais oiseaux qui viendront dans ton village pour lever les jeunes gens regarde toujours les françois comme tes alliés qui leur fait du mal m'en fait. si quelqu'un vient chez toi pour lever les jeunes gens de la part des Anglois je t'ordonne si tu veux être mon ami de prendre tous les effets qu'ils pourront apporter et de me les envoyer ou de les separer egaleement dans ton village.

Ceux qui vous invitent a la guerre sont vos plus cruels ennemis aussi croyez moi soyez tranquil si vous ne voulez pas rendre vos familles dignes de pitié.

Voila mon dernier avertissement.

S<sup>t</sup> CLARK

Undated. Sent by Major de Peyster 1st July, 1779.

3. *Georgia and the Confederacy, 1865.*

(Letters copied from the originals in private hands. Communicated by Mr. John Osborne Sumner.)

GENERAL HOWELL COBB TO SECRETARY SEDDON.

[Endorsed.]

Rec'd. Jan. 20, '65. His views regarding the policy of the war; suggests a return to the volunteer system; utterly opposed to arming the slaves. &c. &c.

[In another hand.]

Respectfully submitted to the President. While differing materially from the views of the within letter, my confidence in the patriotism and my respect for the judgment of Gen'l Cobb induce me to invite your consideration of it.

21 Jan. '65.

J. A. SEDDON.

MACON, Jan. 8, 1865.

HON. J. A. SEDDON,

Sec'y of War, Richmond, Va.

*Sir*: —

[Seddon had written him regarding pushing the conscription; he replies he is doing all he can, but many will never be reached except by the free volunteering system which he again urges]. . . the proposition to make soldiers of our slaves, the most pernicious idea that has been suggested. It is to me a source of deep mortification and regret to see the name of that good and great man and soldier, Gen'l. R. E. Lee, given as authority for such a policy. My first hour of despondency will be the one in which that policy shall be adopted. You cannot make soldiers of slaves, nor slaves of soldiers. The moment you resort to negro soldiers your white soldiers will be lost to you, and one secret of the favor with which the proposition is received in portions of the army is the hope that when negroes go into the army *they* will be permitted to retire. It is simply a proposition to fight the balance of the war with negro troops. You can't keep white and black troops together and you can't trust negroes by themselves. It is difficult to get negroes enough for the purposes indicated in the President's message, much less [*sic*] enough for an army. Use all the negroes you can get, for all the purposes for which you need them, but don't *arm them*. The day you make soldiers of them is the beginning of the end of the revolution. If slaves will make good soldiers our whole theory of slavery is wrong, but they won't make soldiers. As a class they are wanting in every qualification of a soldier. Better by far to yield to the demands of England and France and abolish slavery and thereby purchase their aid, than to resort to this policy, which leads as certainly to ruin and subjugation as it is adopted. You want more soldiers and hence the proposition to take negroes into the army. \* Before resorting

G

to it, at least try every reasonable mode of getting white soldiers. I do not entertain a doubt that you can by the volunteering policy get more men into the service than you can arm. I have more fears about arms than about men. For Heaven's sake try it before you fill with gloom and despondency the hearts of many of our truest and most devoted men by resort to the suicidal policy of arming our slaves.

Having answered the inquiries of your letter, let me volunteer in a few words a suggestion. *Popularize your administration* by some just concessions to the strong convictions of public opinion. Mark you, I do not say yield to popular clamor, but concede something to the earnest convictions of an overwhelming and, I will say, an enlightened public opinion. First, Yield your opposition to volunteering in the form and manner which I have heretofore urged. Second, Restore Gen'l Johnston to the command of the army of Tennessee and return Gen'l Beauregard to South Carolina. With Lee in Virginia, Johnston here and Beauregard in South Carolina, you restore confidence and at once revive the hopes of the people. At present I regret to say that gloom and despondency rule the hour, and bitter opposition to the administration mingled with disaffection and disloyalty is manifesting itself. With a dash of the pen, the President can revolutionize this state of things and I earnestly beseech him to do it.

Sincerely yours,

HOWELL COBB, Maj. Gen'l.

GENERAL HOWELL COBB TO PRESIDENT DAVIS.

AUGUSTA, 20 Jan'y, 1865.

*Private and confidential.*

HON. JEFFERSON DAVIS,

Presd't, etc.,

Richmond, Va.

*Dear Sir:*

It gives me no pleasure to write this letter, but it is my duty both to you and our cause, to say what I am about to say. In a former letter I expressed the opinion that the prevailing sentiment in this state would in the end become true and loyal. I regret to say that the feeling becomes more and more disloyal every day. I am unwilling even now to write the extent of disaffection which exists and is spreading every hour. It could not be worse. I meet every day the men whom I regarded as the last to yield, who come to me to represent their helplessness and despair. I meet those whom I know have been the warm and earnest supporters of your administration, and find them, not in open hostility, but deeply disaffected, and under the cloud which our reverses have brought upon us. Let me say to you in all candor and frankness that the opposition to your administration has become so general that you know not whom to look upon as a friend and supporter. I tell you unpleasant truths, but you should know them — for the crisis demands that you should be honestly informed of the

true state of things. Many of the causes which have produced this state of things are beyond your personal control — such as the conduct of the Quartermaster and Commissary Departments in the failure to supply them with money, and the conduct of inefficient subordinates who have too often taken more pains to trample upon the feelings and rights of citizens than to do their duty. All this is past immediate remedy. But, Mr. President, there are things which you can do, and which I again urge and press you to do. First, respond to the urgent, overwhelming public feeling in favor of the restoration of General Johnston. I assure you that your refusal to do this is doing you more harm and producing more opposition to your administration than you dream of. Better that you put him in command — admitting him to be as deficient in qualities of a general as you or any one else may suppose — than to resist a public sentiment which is weakening your strength and destroying your powers of usefulness.

Second, rest assured that the conscription law has done its work, and you cannot maintain your army if you look to that law to furnish security. The law is odious, and cannot be enforced in the present state of public feeling. I will not repeat what I have heretofore urged as the proper remedy, but will only say that the time is fast passing when anything can be done by volunteering.

This brings me to the main object I have in writing you at this time. By accident I have become possessed of the facts in reference to the proposed action of the Governors of certain States — you have doubtless heard something of it — in connection with the proposed State conventions. There is such a project under discussion. Some who started this movement are urging State conventions, that steps may be taken to take the control of affairs out of your hands. Others favor the movement because they believe it will lead to peace, and they are willing — and I believe anxious — for peace, even upon terms of reconstruction ; and in the present state of feeling, if a convention should be called in Georgia, it would be an unconditional submission concern. Whilst these opinions and views are entertained by some — perhaps many — who favor these State conventions, the movement will not be sustained to that extent, as far as I know or believe, by any State executive. *At present* the Governor of this State is opposed to the call of a convention, and will continue opposed to it as long as it is his interest to be so, and *no longer*. Of other Governors I cannot speak, but I have no idea that any of them will *now* favor a convention. My opinion is that they will do this — and I communicate it that you may fully appreciate its importance, if it turns out as I expect ; — they will address you an earnest appeal for a change of policy on the part of the Confederate government, on the subject of the conscription laws, impressments, etc., etc. If I have been correctly informed, their efforts will be mainly directed to the point of recruiting the army, and will look to the volunteering system and to the State machinery for that purpose. Whilst I have no sympathy — as you well know — with those who have made war upon your administration, — I do not hesitate to say to you that

the safety of the country and the success of our cause require concessions from you on these subjects. The time has come when we must do — not what we prefer, but what is best for the country, and you underestimate the dangers by which we are surrounded if you attribute this perhaps unwelcome communication to any other motive than a sincere desire to advance the cause more dear to me than life itself.

I am, with sentiments of sincere regard,

Very truly yours, etc.,

HOWELL COBB.

SENATOR B. H. HILL TO PRESIDENT DAVIS.

LA GRANGE, GA., Mar. 25, '65.

*My dear Sir: —*

As we have been receiving no mails from Richmond, I take it for granted none are going from here to Richmond and therefore have not written often. I now take an opportunity of sending this by safe hand and will write a short letter.

The feeling is evidently improving in Georgia, and my information is that very many absentees are returning to their commands.

The very day the Governor's message was sent in, I made prompt and direct issue with him on the subject of calling a Convention. On the first proposition to call a Convention, there were but two *yeas* in the House. The question was changed and assumed the form of a proposition to refer the decision of "Convention" or "no Convention" to the people. In this form it received more votes but was still voted down by a very decided majority.

The disappointed faction then threatened to agitate for the call before the people, pleading the movement in Texas as a precedent. But as that was a call *without* authority of the legislature, and this would be a movement *against* that authority, they find themselves as destitute of precedent as they are of principle and patriotism in making the movement. I am satisfied it is effectually dead, and I have ceased to discuss it in my addresses to the people.

I am fully satisfied Gov. Brown's message was the first step of a concerted movement to inaugurate another revolution, and as such I feel happy in its prompt and decided defeat. Mr. Stephens (Vice-President) made no speech at all. His brother was earnest for the Convention, and the whole influence of both was in that scale, and is included in the defeat. The Senate passed strong resolutions, with only two dissenting voices, for a vigorous prosecution of the war. They were not voted on by the House; for what reason I have not learned, as I had to leave Macon, and did not get back before the adjournment. I know they would have passed almost unanimously.

Best of all, our people are rapidly improving, and I do hope Georgia will be a source of no further trouble. The people were always right, but

a few bad, disappointed, prominent men, with the control of several papers have been able to make much noise.

I think even Brown cannot convince the people that he will act "in cordial cooperation" with the Confederate authorities again, and I now look confidently to his defeat in October next.

Nothing gives me more pain than the conduct of Mr. Stephens. He was under every obligation of honor and patriotism, after the failure at Hampton Roads, to raise his voice and urge our people to a vigorous renewal of the war spirit. He has not done so, and I will not venture even in a private letter to express my utter abhorrence of the man's conduct. He has been a weight for two years and seems determined to remain one. As I urged you to put him on the commission, and as you were kind enough to tell me my opinions and wishes influenced the Cabinet in the matter, I will say that as it has turned out, nothing was ever more fortunate. His failure has at least *silenced his* pernicious tongue about "brains" and has made true active patriots of many of his heretofore deluded followers.

I am deeply pained with the action of the Senate upon your frank message, as that action is reported to us by telegraph. I fear poor Wigfall has gone the way all such men go, abandoned principle to satisfy his private ungrounded hate. Why don't such men as Wigfall, and Stephens and Brown learn a lesson from the fate of their friend Foote? Poor Foote! he has fallen, but he was the very best man of the party, and fell first only because he was most honest. Bad men, like water, will find their level one day. I felt very badly, in view of my absence, when I saw the action of the Senate, but I could not get back, and I know my visit here has done good.

I know your labors are heavy, and your trials and vexations are numerous, and often I find myself wishing I could do or say something to aid you. A great cause is in your hands, and many who ought to hold up your hands are pressing them down. And as disasters fall upon us these men press the harder against you.

But pardon me for saying be of good cheer, we shall conquer all enemies yet and best of all is the sweet consciousness of duty fully discharged, which I know will be your comfort and joy in any event.

I shall continue to address the people and endeavor to encourage them to stand to their duty whatever disasters may befall us. Mr. Lincoln's meanest detachment is here in Georgia, but they will be unable to carry the State away.

I have no thought or desire now but to help win this fight. If there is any work in my power to do during this recess of the Congress, I will most freely undertake it. Understand, I will have no reward or any position. All I ask is to *serve*, in any way, consistent with the position I already hold. I will go to Richmond, or to the army, or anywhere I may possibly be able to do good, and no private or personal interest or comfort shall stand in the way.

Pardon me for writing so freely to you. It is the *Country* I wish to serve, and it does seem to me there never was a time when any country more needed the services of all her children, and I simply desire to place mine at your disposal. I do feel a strengthening faith that we shall succeed, and while I feel deeply solicitous to hold Richmond, yet even its fall will not weaken my faith or lessen my efforts.

I take the liberty of enclosing a copy of the speech which I made at this place to my neighbors. I do not expect you to have time to read it, but it can do no harm to send it. It is an humble effort, as all my efforts must be, but never did the heart more honestly applaud what the mind conceived and the tongue uttered.

Forgive me also, for so long a trespass on your time.

Our people do and will continue to support you and may God sustain you.

Most sincerely yours,

B. H. HILL.

The President.



## REVIEWS OF BOOKS

*The Story of Vedic India, as embodied principally in the Rig-Veda.*

By ZÉNAÏDE A. RAGOZIN. [The Story of the Nations.] (New York and London : G. P. Putnam's Sons. 1895. Pp. xii, 457.)

THE writer of a book on Indian history encounters, at the very start, difficulties of an unusual character. There are no fixed dates prior to the date of Buddha, about 500 B.C. Instead, a certain measure of fluctuating relative chronology, based upon internal data of the most perplexing character. Thus, it has been possible, quite recently, for two scholars, Professor Jacobi of Bonn, and the Hindu Bál Gangádhár Tilak, to assume simultaneously, upon the basis of certain astronomical data, the remote period 4000-4500 B.C. as the date of the composition of the earliest Hindu document, the Rig-Veda. At the same time a French scholar, J. Halévy, has still more recently repeated an argument, advanced by himself ten years ago, which tends in exactly the opposite direction. According to this the Vedic texts cannot have been reduced to writing earlier than the period of Alexander's invasion of India.<sup>1</sup> Even the most exuberant faith in the capacities for memorizing with which we may credit the ancient Hindus, judging by their performances in that direction to-day, is not sufficient to warrant the belief that oral tradition alone could have carried the large body of Vedic texts through many centuries. Then there is the rather Philistine older assumption that the Vedas were composed from 1200-1500 B.C., a view based upon the vaguest kind of impression as to the quantity of time that must have been consumed in composing the Vedas, the bulk of which certainly preceded the date of Buddha.

This absence of fixed dates reflects very directly upon the judgment of the chronological flavor, so to speak, of the early Hindu documents. To some the Rig-Veda is still the "hoary bible of the Aryans"; to others it is the product of an advanced phase of priest-craft, as remote as possible from any kind of primitiveness. Thus the valuation of the very substance of the Vedic sources is uncertain; there is no point of vantage for a fixed perspective; the estimate of each series of fact shifts with each different vision.

Again, there are no names of historical consequence prior to Buddha. Here and there the name of some priestly sage is recorded with a certain emphasis, but he is famous for some particular trick at the sacrifice, or some refinement of theosophic speculation, rather than the establish-

<sup>1</sup> See *Revue Sémitique*, July, 1895.

ment of a new phase of thought, or broad religious law. Here and there secular chiefs (*rājas*) are mentioned, but they lead no political movement. They are mentioned in laudatory terms when they give much to the priests, or their downfall is depicted when they come into conflict with priestly arrogance. At best they engage in predatory conquests that leave behind them no permanent political history. There is no Moses and there are no Pharaohs, no Zoroaster and no Achaemenian dynasty.

This want of saliency on the side of political and nomistic events characterizes the early historiography of India. It is largely a history of religion and private antiquities, extending over a very considerable period, no point of which is absolutely fixed. The most important and dignified document, the Rig-Veda, is a collection of hymns to nature gods, recited in connection with the sacrifice, a thoroughly priestly production, the end and final outcome of an indefinitely long period of priestly activity. The document next in importance, the Atharva-Veda, is a collection of charms and prayers connected with the daily life of the people and its rulers, — prayers for health and long life, charms against specific diseases, prayers for the prosperity of house, field, and cattle, incantations against demons and enemies, etc. These are flanked by the so-called Brāhmanas, elaborate technical expositions of the sacrifice, which contain, incidentally, many valuable glimpses of Vedic life and institutions. And there are, also, a certain class of treatises, the so-called Sūtras, apparently of later composition, though their subject-matter is not at all late, which, for the first time, deal with the life of the Hindus systematically: they are codexes of religious customs and laws; they prescribe the individual's conduct from birth to death, his relations to his fellow-men, and to the state or community.

The ideal history of the Hindu people of Vedic times needs to extract and elaborate all this literature, to present every detail of character, life, and history, in so far as these texts furnish evidence. Chronological distinctions may be ventured upon here and there, but, above all, the entire mass of recorded facts, arranged point by point, are an obviously necessary preliminary. A sober collection of this sort could afford to lie waiting patiently for its final chronological irradiation. This is pretty certain to come in due time. Of such a collection there are, at present, only fragments.

Madame Ragozin is favorably known as the writer of a number of "stories" of ancient Oriental peoples, the Chaldeans, the Assyrians, and the Medo-Persians. Her work is professedly that of popularization, and that, too, in domains of historical and philological research where nearly everything is in a state of flux. We may state at once that she has brought to her present task reading of no mean breadth, a certain untarnished freshness of vision, and enthusiasm broaching on fervor. The *Story of India* is thoroughly readable, and will serve the purpose of a first acquaintance with the subject. The author does not seem to know that she was preceded, in 1893, by a work dealing with precisely the same

subject in a more substantial form, Edmund Hardy's *Die Vedisch-Brahmanische Periode*. Hermann Oldenberg's notable book, *Die Religion des Veda* (1894), probably came too late to permit her to incorporate its results. There is, too, — and that is curious in the case of an American writer, — no evidence of any acquaintance with a considerable body of significant researches on Vedic mythology and institutions, printed during the last decade by American scholars in the *Journal of the American Oriental Society*, and the *American Journal of Philology*, though she often goes no little distance afield in the presentation of antiquated views of older European scholars. Thus the myth of the two dogs of Yama, the Hindu Cerberi, the messengers of the Hindu Pluto (pp. 182, 256 ff.), has been elucidated in an article in the fifteenth volume of the *Journal of the American Oriental Society*. The Vedic texts themselves state explicitly that they are sun and moon, who pick out men for death in their daily coursings across the sky. Similarly the myth of Saranyū (pp. 252–256) is discussed from a new point of view in the same volume of the same journal.

The real difficulty with a work like the present is that it is a compilation, and is not done by a professional Vedist. There is still so much to be done in the first editing, critical restoration, and philological interpretation of Vedic texts that Vedic scholars are hardly willing to engage in the work of superstructure upon a shifting foundation. And yet the professional scholar alone is capable of measuring and presenting the measurements of the difficulties and uncertainties which attach to any line of facts. Thus the book errs distinctly and fundamentally in presenting Vedic history almost entirely upon the basis of the priestly, sacrificial collection, the Rig-Veda, and practically ignoring the plainer and more vital records of the Atharva-Veda, and the Grihya-sūtras, the repositories of Vedic popular life. As well present our civilization upon the incidental statements of the Book of Common Prayer. This error, to be sure, is one which has prevailed until comparatively recent times; the contrary tendency is a development of the past dozen years, but none the less important, of course. Three chapters (V.–VII.) are given over to mythology, one (IX.) to early culture. This, moreover, is based upon the incidental, scant data of the Rig-Veda, and yet it is the business of the Atharvan and the Sūtras to deal with that very subject. The book gains something in antique flavor and romantic coloring, but loses greatly in firmness of outline and surety of touch.

The reader may be warned against propagating the Sanskrit, and the linguistic statements of the author. The former is frequently misspelled, the latter are full of antiquated futilities. The style of the book is fresh and agreeable, marred here and there (e.g. pp. 52, 64) by sentences of portentous periodicity.

MAURICE BLOOMFIELD.

*The Messiah of the Apostles.* By CHARLES AUGUSTUS BRIGGS, D.D., Edward Robinson Professor of Biblical Theology in the Union Theological Seminary, New York. (New York: Charles Scribner's Sons. 1895. Pp. xv, 562.)

THIS volume completes a study of Jewish and Christian Messianic ideas begun with the *Messianic Prophecy* of the Old Testament in 1886 and continued by the *Messiah of the Gospels* in 1894. The aim is to detail the steps by which this whole complex of ideas advanced to completeness. The author feels more than an historical interest. For him these apostolic ideas are truth in the very proportions of their original statement. The apostolic meaning is also the author's "confession of faith." This religious interest has imposed some limits to the enterprise, by which theologians and historians will not be equally satisfied, but this candid and laborious inquiry will be considered here solely as a contribution to the history of ideas.

What we are offered embraces more than the Christology of the Apostles. Messiah being an eschatological notion, the whole network of eschatology is involved. Taking the various documents in the order established by a critical inquiry which is presupposed and for the most part undefended, Dr. Briggs prints the significant passages with a modern paraphrase which conveys some exegesis and some discussion. A final chapter adds up the varied elements of imagery and doctrine found within the apostolic canon. This somewhat loose treatment gives prominence to the great diversity of these elements, and, as is claimed, escapes the danger of sacrificing any to the necessities of logical construction. It calls attention to the intense productivity of an age of religious agitation and to the incidental, unsystematized fashion in which passionate pictures of Oriental imagination and cosmological notions hardly less pictorial in form were scattered forth for germination in the world's thought. The final summary provokes a comparison with the Christology of the doctrinal system of the Church at the close of its first period. As if by a natural fate, not all the seeds had then won blade and fruit, but only such as could be assimilated by the philosophic tendencies of religion in the Hellenic world. The contrast is made the more obvious by the prominence of the Johannine Apocalypse and the relatively subordinate proportions of Pauline thought in Dr. Briggs' treatment. Many a scholar, not yet emancipated from the Protestant pessimism which disparages the tendencies of post-apostolic times, may be awakened to value the organizing and clarifying work of the Church's doctrinal development. The peculiar merit of the book lies in this exhibition of doctrinal materials without regard to doctrinal system, and not in any acuteness of exposition by which the ideas are given interest and distinctness.

Recognition being made of this element of novelty, there remains abundant cause for dissent, even if exegetical details are ignored and prominent matters alone considered. Questions of authorship and historical accuracy hardly lie within the scope of Biblical Theology, if that

discipline is rigidly defined, but it may be said that the author's results embarrass his critical principles. There is a chapter on Jewish Christian conceptions based on Acts, Peter, James, and Jude, and another on Early Paulinism drawn from Thessalonians and the speeches in Acts. If Baur misused the term "Jewish Christian," Dr. Briggs is even more guilty. If it indicates only local origin and not a theological cleavage, the separate treatment of the Apocalypse is unjustifiable. On the other hand, to accept the accuracy of the Book of Acts and to treat Peter as theologically a Jewish Christian is surely a curiosity in method, all the more as appeal is made to the 1st Epistle of Peter, the deutero-Pauline character of which has been so successfully argued by unprejudiced students. Only once does Dr. Briggs find his "Early Paulinism" advancing beyond Peter, and there Paul appears as a kind of legalist after all. By Acts xxii. 39, the Law justifies men so far as it is obeyed, the outlying sum of transgressions being covered by faith in the Messiah. Is this the Law entering that the offence may abound, and are not believers dead to the Law by the body of Christ? Obviously, the critical principles of Dr. Briggs are not very rigid.

The commonplace dulness with which the fiery apostle of *sola fides* is treated rouses a second complaint. A chronological sequence cannot dispense with critical exposition. We miss the movement, the struggle, the vitality which since Baur have enlivened the analysis of apostolic ideas. We are offered exegesis more than explanation. This is due in part to the plan of merely stating the substance of passages in their textual sequence, but it is plain that this "inductive" method has been wrongly limited to the gathering of facts. The reader is not initiated into the apostolic correlation of ideas, and is asked to be content with the mere statement of that which lies on the surface of our New Testament. There is a distinct interdependence of notions in Paul's mind, without which the Pauline conception of Messiah and Messiah's work is not easily comprehended. Furthermore, the representative forms, the *Vorstellungen*, for notions like *Doxa*, *Pneuma*, *Nomos*, were not those of the modern mind, and until the psychological algebra of Paul's mind has been defined, his solution of problems of religious experience remains vague and lifeless. Doubtless the reverence which seeks a confession of faith prevents a discrimination of the form and substance of the thought. Nevertheless this neglect of the association of ideas has clouded many topics, notably Paul's conception of the Messiah's reconciling death. Dr. Carroll Everett has argued that vicarious penal substitution was not involved in any ancient theory of sacrifice, and that Paul understood neither a penal nor a sacrificial death. Dr. Briggs dissents, but he does not solve the problem. He notes the diversity of statements, but he refrains from finding the unity, at which he hints by speaking of various "aspects" of Christ's death. Page 155 speaks all too vaguely of a representative and penal value, and elsewhere (pp. 147, 159) we find two distinct sacrificial aspects. Surely Paul's view did not shift from page to page, and surely a definite relation to Old Testament ritual leading to such contrariety cannot have been present to

the mind. Schmiedel's Commentary on Corinthians affords material for arguing that the idea of representative penal substitution is the more certain, and that this notion had become blended with that of sacrifice in an age when sacrifice was ritualistic tradition without any well-defined theoretic explanation. Probably this correlation of ideas cannot be established without drawing on other sources than the New Testament, but the historian profits little if the dogma of inspiration is saved while the meaning is lost.

We have reserved the most original feature of the book. If there is too little rigor in expounding Paul, there is perhaps overmuch in dealing with the Apocalypse. Without fully substantiating his theory, Dr. Briggs offers a new dissection of John's Apocalypse into original documents. That this puzzling book makes use of inherited apocalyptic material is probable, but that it is possible to treat it as a compilation and show its component parts may still be doubted. So long as Dr. Briggs presents us with results without the full critical process, we read with interest but without conviction. This dissection, quite as intricate as any yet offered, serves to show how much of Palestinian imagery could find no place in the philosophical dogma of Christendom, and the discussion can only promote the solution of an unsolved problem. Here, as elsewhere, the work, by its freedom from contentiousness, and by its respect for other learned opinion, claims a dignified place in contributions to historical theology.

FRANCIS A. CHRISTIE.

*Italy and Her Invaders.* By THOMAS HODGKIN, D.C.L., Litt.D. Vol. V. The Lombard Invasion; and Vol. VI. The Lombard Kingdom. (Oxford: Clarendon Press. Macmillan and Co. 1895. Pp. xxi, 484; xix, 635.)

WITH the two volumes on the Lombards in Italy, Dr. Hodgkin brings his great work down to within one volume of its conclusion. It has been a work very variously judged according to the point of view of the reader, but none can deny to Dr. Hodgkin the great merit of having grappled bravely with a period full of difficulties. Sources meagre and perverted by every circumstance of ignorance and prejudice; nations wholly barbarous or just emerging into fuller civilization; institutions obscure and shifting, — these have been the materials out of which the narrative of the Italian invasions from Visigoth to Lombard has necessarily been woven.

In beginning the present division of his work, Dr. Hodgkin calls renewed attention to these difficulties, which have certainly nowhere been greater, and thus seems to forearm himself against any criticism arising from this inherent source of imperfections. The plan of his two volumes includes, primarily, an account of the circumstances which led to the Lombard movement upon Italy; an inquiry into what he calls the "Lombardic foreworld"; the establishment of the Lombard kingdom in the Po valley, and its expansion through the peninsula; the foundation of the



four great duchies of Trent, Friuli, Benevento, and Spoleto; their relations with each other and with the kingdom, and the dynastic history of the royal house. Connected with this central thread we have elaborate treatises upon many topics related, indeed, to the Lombards; but so numerous and so far-reaching that one has occasionally to remind oneself that the title of the book is not "The Invaders of Italy," but "*Italy and Her Invaders*." Among these collateral subjects we have the papacy, especially under Gregory I., to whom nearly 200 out of the 1100 pages are devoted; the empire, chiefly in its dealings with the papacy and with the Lombards; the Franks with especial reference to their future relations with the Lombards in Italy; and finally the legal and political institutions of Italy under Lombard influence.

The main reliance throughout is naturally upon the national historian of the Lombards, Paul "the Deacon," an author contemporary with Charlemagne, and, therefore, dependent upon tradition or upon earlier writings of which we have little or no knowledge. Using Paulus as a guide, the author has drawn into his service now one and now another contemporary source from which a scrap of information could be gained to complete or to correct the central narrator. He has read his sources with diligence and has utilized them after his own familiar fashion to make up a fairly continuous narrative.

Yet we doubt if any one can lay down these two weighty and elegant volumes without a somewhat distressing feeling of confusion, and of disproportion. Dr. Hodgkin betrays, in his preface, a view of historical writing which is as far as possible from being commendable. He distinguishes sharply between the "general reader" and the "trained historical student," and goes so far as to advise, after the manner of older writers, that the general reader should entirely omit the chapters on Lombard law, the administration of the exarchate, and the "Istrian Schism." Indeed, it is plainly to facilitate this process that he has treated these subjects by themselves, and thus deprived them of that connection with the outward movement of events which alone can give to each life and interest. Such distinction among readers is a piece of meaningless conventionalism. Surely in this case there can be no question that the Lombard law and the civil administration of the empire are as much more interesting than the dull and meagre catalogue of horrors called Lombard political history, as a serious review of modern public questions is more interesting than a penny dreadful. The separation of political and institutional history admissible in a manual is out of place in a work intended to be exhaustive.

It seems to be in the same purpose of patronizing the reader that Dr. Hodgkin adopts a style which, we should suppose, far from conciliating, would exasperate almost any one who looks for a plain and simple account of the things that are really important in the life of a nation. It would have been most welcome to all such readers, if, instead of toiling through 1100 pages, they had been let off with 400, and the change could



easily be made without losing a word that helps towards the result. Verbosity and what he styles the "dignity of history" seem to mean almost the same thing to our author. Big words and sounding phrases abound, and not merely in places where the subject rises to any unusual height. Picturesqueness seems to be the aim of every description, and this at the expense of clearness and definiteness of impression. It is undoubtedly a virtue in the historian to avoid cock-sureness and to make it quite clear that he is not omniscient, but Dr. Hodgkin's use of qualifying phrases is most extraordinarily frequent; we find on one page four "probablys," "possibly," "perhaps," "apparently," and "seem to have been." The effect is more than unsettling. Paulus says that King Alboin's nephew, Gisulf, when he was made governor of Forum Julii, "demanded also of the king droves of well-bred mares." Hodgkin says, "Horses were also needed, that their riders might scour the Venetian plain and bring swift tidings of the advance of a foe; and accordingly Gisulf received from his sovereign a large troop of brood mares of high courage and endurance." This kind of expansion is typical. It is, frankly, padding, and nothing less, and frequently produces an impression quite the reverse of true. When Paulus speaks of a man fleeing *in Austriam*, our author cannot refrain from saying that he fled "into the eastern half of the Lombard kingdom, a territorial division which we now for the first time meet with under a name memorable for Italy in after centuries, and in another connexion — the fateful name of AUSTRIA." Here the mere accidental use of a term common to several of the Germanic states is made to appear important and significant, and this is happening in almost every paragraph.

Again it is quite admissible for an historian to illustrate the conditions of one age or place by comparison with others, but he must be quite sure that the comparison is really significant. Our author is very fond of this kind of illumination, but is frequently led away by his desire to be telling, as, *e.g.*, when he calls Pavia a "barbaric Versailles," simply because Queen Theudelinda had pictures of the Lombard victories painted in her *pala-tium*, or again, when he gives us a detailed comparison of the Lombard invasion with that of the Israelites into Canaan.

Even the general reader might be pardoned if he were a little wearied by such sentimental outbursts as that on page 433 of Vol. V., in which Dr. Hodgkin sighs over the silence of history as to the emotions of a "daughter of the Thuringians" (more simply daughter of King Agilulf) while in captivity at Ravenna, when set free, and when restored to her father's arms, and as to how that father felt when he heard that "a mightier than the Exarch," etc. — in short, that she was dead. Indeed, we may be thankful that history is silent on such useless matters, for as it is we have in these bulky volumes far too much of petty personalities.

These defects of style might more easily be pardoned if they were only blots on a great historical picture, but they are of the essence of the author's character as an historian.

Not infrequently a fatal tendency to generalization leads him in these, as in former volumes, into curious inconsistencies. For instance, he adopts from the beginning the theory that the Lombards were a far more savage and barbarous people, and far more oppressive conquerors, than the earlier Germanic invaders; yet he nowhere supports this theory by facts. On the contrary, his account of their march into Italy and their treatment of the inhabitants is noticeably favorable to their humanity and discipline. The postponement of any analysis of the Lombard political institutions until nearly the close of the book, leaves the reader in utter uncertainty as to the meaning of the words "king," "duke," etc., during the whole account of the growth of the new state. True, there is a little philological inquiry, borrowed from German writers, about the word "duke," but no intelligible account of the thing itself. The same is true of the relations between Lombardi and "Romani." In the very last chapter we have a meagre statement, largely copied from Karl Hegel, but leaving us as ignorant as before. The alleged greater oppressiveness of Lombard rule is ascribed with considerable iteration to the fact that they took their thirds of conquest in the form of produce rather than land, thus becoming a kind of absentee landlords. Paulus says, "In these days many of the Roman nobles were slain *ob avaritiam*. The rest [Hodgkin says of the Roman inhabitants, not of the nobles] being divided among their 'guests' on condition of paying a third part of their produce to the Lombards, became tributary." From this one sentence we are given to understand that the large Italian landowners were, as a rule, killed off, while the lesser holders became, through the payment of a third of their produce, something like serfs to the Lombards. All this is emphasized by comparison with the former invaders, so that one would almost get the impression that Herulian and Visigoth had become honest Italian farmers, and left to the Lombards the function of ruining the native population. In all this inquiry Dr. Hodgkin makes no pretence at originality, but frankly presents the views of others and declares himself, generally with moderation, in favor of one or another conclusion.

It interests our author to point out what he calls the germs of personal law in the Lombard state; but we may well ask whether the idea of personal law was not here, as elsewhere, the natural thing to the Teutonic mind, and the attempts pointed out in Italy to make other peoples subject to Lombard law rather the germs of a new sense of territoriality. Surely it is misleading to speak of personal law as if it were a development of Carolingian times. Dr. Hodgkin's principal reference on this point, the driving out of a Saxon contingent by the Lombards, because they wanted to live *in proprio jure*, is not convincing; for that phrase might simply mean in this loose Latin "independently."

In the chapters on law we find that Dr. Hodgkin, after all, cannot hope to escape the general reader; for he is evidently addressing him at every turn. He very properly disclaims any scientific analysis of the Lombard law and simply makes selections from the code of Rothari and the

legislation of Luitprand, interspersing them with somewhat jaunty illustrations and occasionally with references to the other Germanic codes. The indications of advancing civilization are pointed out with considerable cleverness, but the impression of legal principles is blurred by a pervading incapacity to say the thing which needs saying at the right moment. Of course we have to hear about the English jury system and the *sacramentales* or fellow-swearers, but we doubt if any one would be much the clearer for this comparison. One would suppose that the *sacramentalis* was expected to know the facts of the case, and would certainly get the idea that the whole theory of the trial by *sacramentum* rested upon the power of one juror to break the deadlock which Dr. Hodgkin assumes as the natural condition of a Lombard trial. The really essential thing—the peculiar Teutonic conception of evidence—is left quite out of sight.

As to the religious conditions of the Lombards, we are given but little suggestion of the momentous change from Arianism to Catholicism. The obscurity of our sources leads Dr. Hodgkin to assume that religion was a matter for which the Lombards, unlike any of their Germanic relatives, had little or no interest, and he goes so far as to say that “probably” neither the counsellors of King Agilulf, nor “perhaps” the king himself, knew whether he was Arian or orthodox! It is a thankless task to point out these defects in the work of a man so sincere, so learned, and so diligent; but really one cannot open the book anywhere without being nettled by decorations which do not embellish but only confuse and mislead. This is not sound scholarship. It is amateurish from beginning to end. The traces of accurate historical method are only a surface, beneath which we constantly perceive the good, old-fashioned literary man, who writes history as an elegant accomplishment.

*The History of English Law before the Time of Edward I.* By Sir FREDERICK POLLOCK, M.A., LL.D., Corpus Professor of Jurisprudence in the University of Oxford, and FREDERIC WILLIAM MAITLAND, LL.D., Downing Professor of the Laws of England in the University of Cambridge. (Cambridge. Boston: Little, Brown and Co. 1895. Two vols., pp. xxxviii, 678, xiii, 684.)

The book before us is by two Cambridge men. Of Sir Frederick Pollock we need not speak. He is well known in this country and, besides, he tells us in a note to the preface that “by far the greater share of the execution,” by which he says he means the actual production of the book, “belongs to Mr. Maitland,” who holds the chief professorship of law in that university. Mr. Maitland’s historical turn of mind, so marked in everything he has written, first found expression, if we are not mistaken, in his *Gloucestershire Pleas of the Crown* (1883). Taking his work altogether, from the *Gloucestershire Pleas* to and including the *History*, we

do not hesitate to say that in Mr. Maitland we have the learning and the intimacy with the *fontes* of Brunner; shall we add, that we have further what we find in Sohm — Brunner has never done anything so brilliant as the *Procedure of the Salic Law* — the gift which men call genius? We must be temperate; but there are chapters and parts of chapters in this work in which there is penetration not found in ordinary books of history. The chapter on Roman and Canon Law is masterly; so is the one on the age of Bracton. Of detailed examination presently.

In style the book is fresh, ready, almost conversational. To one who knows Mr. Maitland it is his living voice, or at least his epistolary pen. Perhaps one may be inclined to think, now and then, that the writer is playing with a rather stately subject; but the objection would not be pressed very far.

The work is divided, unequally in point of bulk, into two books, preceded by a short introduction, itself a good piece of work. Book I. is entitled "Sketch of Early English Legal History"; Book II. "The Doctrines of English Law in the Early Middle Ages." That is, Book I. deals with history in the direct sense of the forces which make for the state of things seen in Book II.; while Book II. accordingly is a book of law written after its day. The central feature of the whole work is, roughly speaking, the Angevin period, or from the middle of the twelfth to the last quarter of the thirteenth century — from Henry II. to Edward I.

The Angevin period is sufficiently well marked to justify the authors in treating it by itself. When it opens the time is ripe for the distinct advances of Henry the Second; advances in legal procedure rather than in substantive law, which is the characteristic feature of the period, whether the steps taken were forward or backward. At the other end of the period, the reign of Edward the First is the beginning of modern law, in the sense that modern law can now be recognized. From that time on the question of development, leaving out of sight such tracts of law as bills of exchange, was only a matter of details. The Angevin was, indeed, a period of transition — what period is not? — but it was a period of transition which was to end with a body of law, however roughly formed, for all generations to come down to the present day. We count it one of the merits of this book that that fact is brought out with clearness and followed out with courage and self-restraint.

How has the plan of the work been wrought out? In one word, thoroughly. A running commentary, or gloss, on certain texts of the first volume must serve to indicate more particularly our answer, a gloss here and there somewhat special, in the hope that it may be helpful, in some small way, to teachers and students. We have noted many passages for comment. The following may be selected: —

The first subject for comment is, to our mind, the most important of all, for it concerns the very conception of law. On page 175 — all our references are to the first volume — and on other pages before and after, the authors are speaking of new methods of procedure, the writs by which

cases were, and to this day are, set on foot. They say ". . . it became apparent that to invent new remedies was to make new laws." True enough, as it happened, but why should the inventing of new remedies be the making of new laws? The answer involves, it seems to us, the true conception of law. If law is a mandate given by some external sovereign, then new remedies may well be new laws; the mandate may as well prescribe law indirectly as directly. And with all the simplicity of twelfth and thirteenth century civilization — it really was simple if you only understand it — as compared with nineteenth, with all the iteration and reiteration of the customs of the realm, this was to a greater extent than appears on the surface the working conception of law, unconsciously more than in later times but none the less truly. "The king is the fountain of justice" runs through the whole administration of the law, the king, too, in a very personal sense; "sicut nos et honorem nostrum ac vestrum et," that is, further, "commodum regni nostri diligitis," fail not, was the familiar language of writs. This was but the Roman doctrine, to which it all runs back. Laws and arms are all one to the Roman emperor; he must be decorated with arms, he must have a quiverful of laws. "Imperatoriam majestatem," runs the preface to the *Institutes*, "non solum armis decoratam, sed etiam legibus oportet esse armatam."

But we are beginning to see the matter in another light. The courts are beginning to act upon the theory that law is only the *nexus* or *lex*, which binds together the members of the state. With that conception remedies take on a new aspect; to adopt new remedies suited to that idea of law is not *per se* to make new laws — it is but an incident of the existence of law. So it would have been in the thirteenth century with a clear regard to what law is; the invention of new writs, to fulfil the needs of the relations, or again the *nexus* or *lex*, between man and man, would not have given cause for the outcry of the Provisions of Oxford (*History of Procedure*, 198, note), an outcry to be followed by the half-abortive statute which gave to the Chancery the right once more to issue new writs, though only "in consimili casu." A right conception of law in the time of Henry the Third, with the courage and independence to act accordingly, would have prevented any "hardening" of writs at that time, and might have saved English jurisprudence centuries of reproach. Far from being the mere handmaiden, procedure has, from the beginning until our day, been tyrant of the law; law has bent before it in fetters, waiting long the day of emancipation. But even with a sound theory of procedure, law would still have been in fetters with the Roman idea prevailing of the external lawgiver. Procedure has only been a mesne tyrant.<sup>1</sup>

At the end of a note on page 176 a remark is made to the effect that

<sup>1</sup> We do not object to the notion of an external lawgiver, if that lawgiver will find the law entirely in the relations deemed necessary to hold society together on the basis of equal rights. Our criticism is based upon the fact that this lawgiver will not only make law instead of finding it existent, but will not allow his servants ample freedom to find it, on the ground that in so doing they may usurp his rights.

the chancellor's authority over the king's wards — in the main, his own tenants in chief, heirs under age — was administrative rather than judicial. Such instances as the following may be noticed in the same connection: Edward the First commands his uncle, William of Valence, one of the foreigners of the troublesome train of Eleanor of Provence, to deliver up to Humphrey de Bohun (heir of the late Earl of Hereford and Essex), who, the king declares, is of full age, his castle and manor of Haverford, of which the said Humphrey's mother, whose heir he is, died seised. (*Plac. Abbrev.* 262, 1 Edw. I.) It is not likely that the king would have given to his chancellor as yet the power to adjudicate away rights of his of such value as wardships, without a particular commission *pro hac vice*.

Pike's *History of the House of Lords* may be read with profit in connection with what the authors say on pages 176, 177 of the king in council. (Pike, pp. 43, 47, 51.) The name of the tribunal, as Mr. Pike finds it, is the Court of the King in his Council in his Parliament, a cumbersome name, but accurately descriptive. In the Rolls of Parliament the judicial business of this court appears to have been largely given to deciding whether petitions brought before it for justice, not otherwise forthcoming, were presumptively well founded, relief to be given, if the answer of the council was favorable, in the tribunal to which the petitioner is now sent. So our authors correctly put it; but Mr. Pike as correctly states that "there," that is, in the council, "doubts respecting judgments were determined, there new remedies were established for new wrongs, and there justice would be awarded to every one according to his deserts"; to all of which Pollock and Maitland would no doubt agree, assuming that the last clause was to be taken with some limitations.

What the authors say on page 221 of English charters, or deeds as we should now call most of them, expressing the good of the donors' souls as the motive of the act, may be seen again abundantly in wills. Scarcely a will of importance can be found that did not make gifts to religion, for the soul of the testator, generally also for the souls of his family, and then "for all Christian souls."

A striking picture of the growth and decay of military service in its old lines will be found on page 231. Decay closely followed growth. Before the system of knights' fees of the twelfth century<sup>1</sup> is fully developed, its insufficiency is apparent, and scutage comes into play, only itself to become antiquated in turn, even in the reign of Edward the First; "when Edward I. is on the throne the military organization which we call feudal has already broken down, and will no longer supply either soldiers or money save in very inadequate amounts."

At the close of an interesting paragraph on the size of the knight's fee (p. 236), the authors say that "It is conceivable that at times a vague theory prevailed according to which twenty librates of land or thereabouts, that is, lands to the annual value of £20, would be the proper provision

<sup>1</sup> It is not to be inferred that the authors intimate that knight-service was not of the time of the Conqueror, as it was.



for a knight; but even this is hardly proved." As this is a subject which Mr. Maitland has made his own, and doubtless Sir Frederick Pollock also, one cannot doubt even a doubt of the kind without hesitation. We shall not then challenge the doubt, but there are documents which on their face lend support to the view that £20 annual value of lands constituted a knight's fee. Cases like the following are not uncommon in the book of Parliamentary Writs, the great storehouse of materials for the history of the reigns of Edward the First and Edward the Second:—

Henry de Bohun, returned by the sheriff of Somerset and Dorset as holding land or rents to the amount of £20 yearly value and upwards, and as such summoned under the general writ to perform military service. (25 Edw. I.) Such records, however, do not prove much, especially when records like the following, of the same time, are to be found: Joan de Bohun, returned for the counties of Sussex and Surrey as holding lands or rents to the amount of £40 and upwards yearly, and as such summoned under the general writ, etc. (25 Edw. I.) So Henry de Bohun (28 Edw. I.), and other cases. But what shall be said of the following? We quote from Parl. Writs, I. 214; Rot. Claus. 6 Edw. I., m. 8, d.:—

The king to the sheriff of Gloucestershire: "*Precipimus tibi firmiter injungentes quod omnes illos de balliva tua qui habent viginti libratas terræ vel feodum unius militis integrum valens viginti libras per annum, et de nobis tenent in capite et milites esse debent et non sunt, sine dilatione dstringas ad arma militaria. . . . Dstringas etiam sine dilatione omnes illos de balliva tua qui habent viginti libratas terræ vel feodum unius militis integrum valens viginti libras per annum de quocumque teneant et milites esse debent et non sunt,*" etc.

Writs of the same tenor were sent to all the sheriffs of England, from which it is apparent that no local custom is referred to. Then, coming down nineteen years later, we find such writs as the following, of May 5, 1297; Parl. Writs, I. 281; Rot. Claus. 25 Edw. I. m. 26, d.:—

The king to the sheriff of Yorkshire: ". . . tibi precipimus . . . scire facias omnibus illis de balliva tua infra libertates et extra qui habent viginti libratas terræ et redditus per annum, et illis similiter qui plus habent, viz. tam illis qui tenent de nobis in capite quam illis qui non tenent, ut de equis et armis sibi provideant," etc. And writs of like tenor to this also were sent to the sheriffs very generally, and also to the justiciar of Cheshire; though it should be added that in the November preceding, a writ to the justiciar of Cheshire had made requisition for that country on the basis of thirty librates. "*Quia volumus,*" said the king then, "*quod omnes et singuli de comitatu Cestrensi qui habent triginta libras per annum in comitatu illo et alibi in regno nostro et milites esse debent et non sunt armis militaribus decorentur,*" etc.; proclamation through the county to be made accordingly.

This is not all the evidence by any means; but even if all the rest should be equivocal, it could hardly destroy the effect of the two writs of the sixth and the twenty-fifth years of Edward the First, above quoted.



For these two years, at least, a "theory prevailed according to which twenty librates of land" constituted a knight's fee.

On the point that military service was due as of the land and not as of personal relation (pp. 239, 240), the two writs just referred to furnish a gloss. Whether the persons in question hold of the king or "*de quocumque teneant*," they are to perform military service for the king. The same writs illustrate the compelling of men to become knights, to which the authors refer on page 395 and elsewhere.

On page 283 we are referred to the great case of the earls of Gloucester and of Hereford, mentioned later in this review, in regard to private warfare; and we are referred to the fact that both parties were punished by imprisonment as showing the seriousness of the offence of disobeying the king, for the king had, by express mandate, commanded the earls to desist from their hostile purposes. But was not the mulct inflicted, rather than the imprisonment, which was of short duration, the more striking evidence of the nature of the offence of contempt? The Earl of Gloucester was mulcted in 10,000 marks; the Earl of Hereford, as being less guilty, in 1000 marks. That is something like saying that the former was required to pay \$750,000, and the latter \$75,000 in money of to-day.

Of the consequences of marrying a ward of the king without the king's consent, spoken of on page 301, a parallel case in regard to "kings' widows" may be found in the king's own household, the household of Edward the First. Joan of Acres, the king's eldest daughter, — now widow of the Earl of Gloucester just named, and so doubly bound to the king, — falls in love with a gallant but untitled courtier of her late husband's train, Ralph Monthermer, not even a knight, and, probably because the king would not consent to such a match, was married to him privately, without the knowledge of her dread father. Monthermer was committed to prison and his lands were seized by the king; and as for the Princess Joan, enough is known of Edward the First to make it probable that her honeymoon was not all that she could have wished.

The Rolls of Parliament afford an excellent gloss to what is said on page 302 in regard to wardship in socage by the mother of an heir. "When the dead tenant in socage," say the authors, "left a son and a widow, the widow would have the wardship of her son and of his land." In the second or third year of Edward the Second, Agnes, widow of Renaud de Frowyk, petitions the council for justice, for that certain persons had carried off and put into the castle of Plessy, Henry, son and heir of the said Renaud, who was tenant in socage of his lands, and had kept him there by force until he was married against his will and the peace of the king, and to the great damage of the said Agnes. The answer of the council was, "*habeat [Agnes] breve in suo casu ordinatum*," referring to the famous statute of 13 Edw. I. in relief of actions; and the meaning was, that she was to have the right to try the case in the King's Bench or the Common Pleas, and if she proved her allegations there she would be entitled to judgment.

A great deal is suggested by a paragraph of but four lines on page 527, especially in the remark in regard to the "liberty that men enjoyed of regulating, by private bargains, what we might deem matters of public law." The idea of the state is far from developed even at the end of the thirteenth century. Private jurisdiction of life and property is rooted in a past in which it was unquestioned; the state has been able to make its way but slowly from the first, and still it halts half-way; crimes are but gradually disengaging themselves from torts—the individual is but gradually losing the right to inflict punishment as well as to require compensation for offences; private warfare breaks out almost in the family of so great and enlightened a king as Edward the First—between the husband of his eldest and the father of one who, not many years after, is to become husband of his youngest daughter; jurisdiction over property and life is still an appurtenance to lands and tenements—men buy and sell it and give it away.

where           Assemblet sunt ad Ais a la capele,  
                      cumencent li plaiz e les nuvelles  
De Guenelun, ki traïson ad faite.

“Seignurs baruns,” lur dist Carles li reis,  
 “De Guenelun kar me jugiez le dreit.”

PRODUCED 2004 BY UNZ.ORG  
ELECTRONIC REPRODUCTION PROHIBITED

does not act as judge; he himself makes the accusation — in technical language the emperor himself appeals Ganelon, and he must not act as judge in his own cause, a reason applicable to every case in which a court is held by a lord interested in its proceedings, whether directly or indirectly. The cause of the emperor proceeds; Ganelon pleads, as we should say, in mitigation; then, not Charlemagne, nor Charlemagne and his barons, but

Respondent Franc: "A cunseill en irum."

They now retire accordingly to consider of their judgment, as is shown by what follows. But Charlemagne will have no half-way measures if he can help it; there is to be no dropping of the case by judgment of court; and when certain of the barons, a majority, perhaps, return to give answer and "pray"

the king cries out,

Que clamez quite le cunte Guenelun,

Still, far from taking the case into his own hands even when his barons are "felun," he is only depressed in spirits; he calls himself miserable;

A l'doel qu'il ad si se cleimet caitifs.

The upshot of it all is, that on the demand of Thierry, who now stands forth from among the barons and, in vigorous language, demands judgment, as champion of the emperor,

Respondent Franc: "Or avez vus bien dit,"

and the duel is awarded and waged between him and Pinabel, champion of Ganelon. Thierry wins the fight.

"A detached portion of a parish lying ten miles away from the main body is by no means an unknown phenomenon" (p. 549) will give the student of New England history the right to say that history will repeat itself, that such things were of the commonest in this part of the world during the entire period of our church establishment. An instance in the last century may be noted, "of which," to appropriate the language of a note to the foregoing passage, "the present writer has some knowledge." By an order in council in 1773, Gershom Bigelow and others of the town of Sutton, Worcester County, Massachusetts, with their families were, without change of residence, for ecclesiastical purposes "erected into a separate precinct" called the South Worcester parish; while the bounds of Sutton remained unchanged (for some five years). Gershom Bigelow was geographically and politically of Sutton, but he was also ecclesiastically, that is, by law, with all that the term ecclesiastically then meant, of another place; an island of "homestalls" in Sutton paid tribute to South Worcester.

Speaking of what in the margin of our history (p. 570) is well called "high justice," the authors remind us of the "gradually ascending scale"

of jurisdictional rights in the baronage; there are Chester and Durham, and there are "lordships which are almost palatinate," among which "the marcherships of the Welch border are . . . splendid instances." Brecknock and the parts near by afford an instance which found its way into the Rolls of Parliament. Humphrey de Bohun, Earl of Hereford and Lord of Brecknock, a marquis in fact before the title had come to be conferred in England, and others interested with him as lords marchers of Wales, bring their complaint before the council that the king's officers are infringing their franchise. "No writ of the king runs there," they could proudly say, and craved judgment of the council accordingly. The council considered that there was ground for the petition, and gave the usual direction. Rot. Parl., II. 90 (1335).

An interesting fact, which the authors do not explain, is mentioned on page 574. Speaking of manorial jurisdiction over personal actions, it is stated that this probably arose out of the feudal relationship between man and lord; but replevin (the process by which a tenant brought in question the validity of a distress levied upon his goods by his landlord) is an exception. That remedy "is regarded as royal and few lords claim to entertain it." The statute of Malicious Distresses in Courts Baron, which may have some connection with the modern action for malicious prosecution of civil demands, may be noticed here. It is of the year 1284, and quite supports our authors. At the same time it tells us how it came to pass that replevin was of royal, whereas trespass, for instance, was of manorial jurisdiction. "If any be attached," runs the statute, upon groundless and malicious complaints, "he shall replevy his distress so taken, and shall cause the matter to be brought afore the justices" — that is, the king's justices in eyre — "before whom, if the sheriff or other bailiff, or lord, do avow the distress lawful," the cause shall now proceed in the royal court. The statute was, apparently, part of the general scheme for bringing property within the king's jurisdiction.

A little further on we come to a long discussion of the nature of the township. The township is a commune or communitas. There, with Martin Luther, the authors take their stand; they will no further go; corporation it is not. We might say something in regard to New England townships, but we refrain. The English township is marchland for law and political economy; the question of its nature is no doubt important, but as for us, with Doomsday to bear us out more or less, "vasta est tota." Let the militant economists have it, and let Thorold Rogers — but he is dead.

MELVILLE M. BIGELOW.

*The Tribal System in Wales, being a part of an Inquiry into the Structure and Methods of Tribal Society.* By FREDERIC SEEBOHM, F.S.A. (London and New York: Longmans, Green and Co. 1895. Pp. ix, 238. Appendices and index, pp. 101.)

IN *The English Village Community* Mr. Seebohm declared his belief that the English village community and manor were made up of tribal (Celtic and Teutonic) and Roman elements, thus advocating a complex origin. The chapters of the work in which he endeavored to expound this view were, it will be remembered, the least satisfactory portions, and now, in order to make a more thorough study of the question, he returns to the tribal aspect of the subject, beginning with the tribal system of Wales. His reason for beginning with the Welsh evidence is that the Welsh system held its own until the time of codes and surveys, and can, therefore, be examined as no other tribal system of Europe can be, excepting perhaps that of Ireland (p. 52.) Probably he is planning to pass from the known to the unknown on a large scale, and to explain the more obscure systems of Gaul, Rome, and Greece by means of the knowledge gained from the systems of Wales and Ireland. Inasmuch as the key to the problem of the English manor is to be found in the structure of tribal and not of Roman society, the data here given, although in a sense inconclusive, will go a long way toward answering the question of manorial serfdom and manorial lordship.

In March, 1893, Mr. Seebohm was put upon a Royal Commission to investigate the land system of Wales, and was thus enabled to start with a first-hand inquiry into the Welsh conditions. Although the latest documents used and quoted are those of the fourteenth century, nevertheless it is evident that he has familiarized himself with the land arrangements of the present time, before passing back to those of the earlier period. The earlier documents begin with Extents, Court Rolls and Assessments of the Isle of Anglesey, dating from 1294 to 1352, and are here printed for the first time. (See Appendix A.) They disclose the land system as seen by Norman lawyers soon after the conquest and annexation of Wales, in 1282, and from these Mr. Seebohm works back to the "Ancient Laws of Wales," of uncertain date, and from these to ecclesiastical donations and grants of the ninth and sixth centuries, each class of materials either enlarging upon or corroborating the others.

The "manor" of Aberffraw is described as composed of demesne land, the holdings of free tenants, who occupied *weles* and *gwelys* and paid in money and work to the prince of Aberffraw, and the lands of so-called *villani*. The *villani* occupied portions of the demesne and outlying lands, and were arranged in groups (non-kindred), the members of each of which were jointly liable for the dues, a tenure known as *trefgvery*. These payments were territorial, not personal. At once the questions arise, What was a *wele*? what a *gwely*? who were the *villani*? in what relation did each stand to the tribe and the land? For answers Mr. Seebohm turns to the Extents of the Castle and Honor of Denbigh, made in 1335, before the Black Death, and he is exceedingly dexterous in his use of these documents. As in the case of the Anglesey Extents, the free tenants are found holding in *weles* and *gavells*, but a careful examination discloses the fact that the *wele* is not a territory or a district, but a kindred, a family group.

Its relation to the land appears from the Extent to be as follows. The common ancestor of the members of the *wel* seems to have held one undivided share in the district or *villata*. As time went on this share got subdivided (*per stirpes* not *per capita*) into the *wel*s of the sons and the *gavells* of the grandsons, until eventually a score or two of kinsmen held the original *wel* together as one family group. Other shares were held by other similar groups in a similar manner. So that the lands of the *wel* remained from original owner to great-grandson composed of bundles of undivided shares located in several *villata*, which were districts used as units of husbandry, and not "village communities." The *wel* itself was not compact, but could be located in one *villata* or could hold fractional rights in several *villata*.

Having thus discovered from unimpeachable evidence some of the characteristic features of tribal society, Mr. Seebohm passes to the "Ancient Laws of Wales." The reliability of this material has been in some quarters called in question, but Mr. Seebohm rightly argues that if it contains a body of customary law, which in natural course would produce the condition of things described in the Extents, its authenticity will be substantially confirmed. That this is the case, Mr. Seebohm proves conclusively. The Laws confirm the general structure of the tribe as given in the Extents and add large amounts of detail regarding the internal tribal organism. The *liberi* and *villani* of the Extents were the tribesmen and non-tribesmen of the Laws. The former were organized in kindred-groups, to the ninth, seventh, and fourth degree, the last-named forming the *wel* proper. Each of these groups was under a chief, and between the chief and the men of the kindred there existed a semi-feudal relation, originating in the formal reception of the legitimate child into the kindred. Upon the child, thus become a free tribesman, were conferred cattle and land, and the custom took the form of tribal investiture. From the kin system Mr. Seebohm passes to a closer examination of the relation of the tribe to the land. The *wel* is here found, as in the Extents, to be the tribal unit of land occupation. In the chief was vested the tribal rights in land of his *wel*, but his proprietorship was not absolute. The tribesmen were subordinate but had rights of maintenance, grazing, and co-aration and probably a *peculium* in cattle. The status of the stranger in blood was not serfdom, but might easily become so, since by constant residence the stranger could become the property of the *uchelwr*. Mr. Seebohm's evidence regarding tribal chieftainship is particularly welcome, as he shows that in the tribal system there existed the beginnings of a seigniorial power. Side by side with tribal grades of chieftainship seem to have grown up corresponding grades of territorial chieftainship, but on this point Mr. Seebohm does not appear to be quite clear. Chieftainship was of the family, not of the person. Regarding the rights and limitations of the chief, the evidence is as yet incomplete. The elaborate examination of the *gwesta* and *dawnbwyd* (tribute from tribesmen and non-tribesmen respectively) rather confirms previous knowledge than adds anything to



it. These were paid from a definite geographical area and this fact corroborates the evidence of the Extents that the tribute paid to the lord was territorial, not personal.

Having thus shown that the Extents prove the reliability of the Codes and that the Codes amplify and elucidate the evidence of the Extents, Mr. Seeböhm turns to a corroboration of both by still earlier evidence, which involves a study of the tribal system in its relation to the church. This evidence is in the form of grants and donations contained in the "Book of St. Chad," the "Book of Llan Dav," and the Records of Cadoc. Into the long discussion of this evidence it is not necessary to go. Nothing is added regarding the structure of the tribe or its relation to the land. The records simply testify to the habits of tribal chieftains, the family character of tribal donations of land, and the prevalence of food-rents in the sixth as in the thirteenth century.

As this is but the beginning of an extended investigation into the tribal system generally, it would be unjust to Mr. Seeböhm to draw hasty conclusions as to the bearing of his evidence upon the question of manorial and feudal development. As a work of research, this essay is wholly admirable, certainly the fullest and most thorough study of the Welsh tribal system extant. It has all the characteristics which made the first 150 pages of *The English Village Community* so valuable to students of economic history, — clearness, originality, and wealth of detail. It also enables us to draw some inferences as to what Mr. Seeböhm considers to have been the tribal contributions to the manor and the feudal system. Let us note what these are.

Mr. Seeböhm recognizes the importance of the introduction of land as a new economic factor in tribal life (pp. 60, 87). He shows that there was growing up as part of the tribal organism a semi-feudal relation between chief and lord on the one side, and chief and members of the kindred on the other. The chief "invested" his "man," that is, supplied him with cattle and land, less in his personal character than as the representative of the tribe (pp. 63, 72). He shows that the idea of private property did not belong to the tribe (p. 95), that ideas of transfer of the land of a tribesman's freehold were "as foreign to the tribal system in its earlier stages as individuality contrasted with family ownership" (p. 150). He believes that modern forms of conveyance crept in later mainly through contact with a Romanized church (pp. 150, 193, 197, 226, 227). Most important of all, he recognizes in the chieftain of the tribe, of the kindred, or of the household an embryonic manorial lord. For instance, he says that free tribesmen, "under pressure of want or the unscrupulous use of power on the part of *uchelwrs*, or higher chieftains . . . might become almost the serfs of the *uchelwrs*" (p. 109). Non-tribesmen (*alltuds*, *aillts*) did actually become *adscripti glebæ*, subject to the proprietorship of the *uchelwr*, each with a separate *tyddyn*, and a few *erws* in croft around it, with other lands held in common by the group, and cultivated by co-aration of their common plough team (pp. 116, 122). Such groups could be manumitted



(p. 184) and transferred. The customary food-rent or tribute might easily become *feorm*, the *dawnbwyd* might become *gafol*; each was a territorial, not a personal payment. Add to these conclusions others taken from *The English Village Community*, and the list becomes more complete. Co-ration with eight oxen was tribal (*V. C.*, pp. 279 n., 388); a day's work with a pair of oxen was a tribal unit of land measurement (p. 315); the division of the furlong into as many strips as there were sharers was a widespread tribal custom (p. 383); the allotment of thirty acres to a pair of oxen, and the scattering of the acre strips, as in the Saxon "yardland," was known from India to Ireland (pp. 392, 393).

When we put together these various tribal elements and practices, we begin to see — as yet vaguely, it is true — some of the conditions out of which the English manor grew. Further investigation will bring new data and new interpretations, until, by a process of elimination, the measure of the Roman influence may be determined. But the point to be insisted upon is, that the manorial organization in England derived its essential elements from the tribal, and not from the Roman, system. This I have always maintained. On this matter Mr. Seebohm has one or two important remarks. "The real question," he says, "is whether these so-called feudal tendencies were the result of outside feudal influence upon the tribal system, or whether what we call the feudal system in Western Europe may not itself turn out to have been, in part, the result of tendencies ingrained in the very nature of tribal society, and thus underly the conditions out of which feudalism grew" (p. 135); and again: "These Celtic and tribal touches in what otherwise might be regarded as feudal definitions of serfdom seem to suggest connecting links between tribal and feudal custom" (p. 130). This hits two ways. It calls in question Professor Vinogradoff's objection to "any theory attempting to trace a direct course from the tribe to the manor," and weakens the force of his denial that "pre-eminence of chieftainship implies any growth of manorial power" (*English Historical Review*, July, 1893, pp. 541, 542). It also renders useless the attempt to make the manorial seigneur a gift from the Roman Empire, or to prove that the English manorial system was borrowed from the continent. The free village community is not at present a very substantial entity; neither is there much force in any argument that would give to Roman ideas and methods a greater importance than that of hardening and quickening already existing manorial tendencies.

CHARLES M. ANDREWS.

*Social England: A Record of the Progress of the People.* By various writers. Edited by H. D. TRAILL, sometime Fellow of St. John's College, Oxford. Vols. I.-III. (London: Cassell and Co. 1893-1895. Pp. lvi, 504, 587, 550.)

THIS important book has been sufficiently criticised in its defects else-

where.<sup>1</sup> It is well to bring out the seamy parts of any performance, and to warn both readers and scholars against the deficiencies of any historical work, even of that which is good. Yet that criticism is most wholesome, which best brings out the larger features of any constructive work.

Three large octavo volumes have appeared; the fourth, as projected, carries the history only to the beginning of the eighteenth century. In extent and bulk, it is massive; in its positive demands for investigation, deeply varied, and for thorough special knowledge, it is a tremendous work. Many minds and numerous hands must be involved. Several thousand pages of solid and diversified information must inevitably be unequal in parts, and not altogether satisfactory in the completed whole. The co-operative method must always include grave defects; these will be relatively greater now, while it is comparatively new and only half developed. Such as it is, the progress of history has made it imperative. Mountains of facts accumulate on every side; and, worse, the revelations of science throw new light into the perspective of every period. The old picturesque story must be renovated — even if it be half ruined; it must be enlightened in every detail, before our restless, modern intelligence will rest content in its historical possessions. The limitations of commercial publication, the defects of specialists, the hampering conditions of editorial function, — all this environment must affect any great work of detailed knowledge, out of which the future Ranke or Thucydides will forge and anneal the greater history. It is said that a householder must build himself three houses before he can get a comfortable dwelling. Editors have not that comfortable privilege. We apprehend that Mr. Traill, and his readers as well, will be content with one trial.

Let the editor speak for himself, in his own introduction.<sup>2</sup> Mr. Traill proposes certain divisions of his subject, run out in rather broad lines. While this method distributes and districts the matter as mere territory, it cannot avoid much repetition and inevitable digression, both in statement of facts, and in the deductive essays into which the writers are often betrayed. The teams do not always respond to their charioteers, nor follow implicitly the lines of travel laid out by the projector.

First, of civil organization, which the writers base on the villages settled by the Iberians, and on the rude polity of the tribesmen brought in by the Celts. This structure was overlaid by the Roman power and the civilizing, imperial influence, but was not essentially changed. In this position, the editor and his writers are violently disputed by the critics of the *English Historical Review*. Concerning this detail we shall speak further on.

Next, of religion, planted in the form of Christianity in Great Britain by the Celtic church. On this foundation, the Greek monk, Theodore of Tarsus, built up the see of Canterbury. Catholic England is held to have been not distinctive in character. After the great schism occurred, the

<sup>1</sup> *English Historical Review*, IX. 721; X. 359.

<sup>2</sup> *Social England*, I. xii-liii.

Puritan influence—as well *inside as outside* the Anglican church—moulded modern England. There is too much heat in this treatment of the relations of the Church and the non-conforming elements, whose parts dispute the ascendancy of the whole. While no historical insight can underrate the great Puritan ground-swell that sways the British nation in a marvellous way, yet we must remember that the major power—the greater mass swaying hither and thither—is not Puritan nor essentially ritualistic, it is English.

Learning and Science must be confounded with the Church, more or less, in the early times, though the universities struck off from the Church proper. Literature is more easily mapped and defined than any other portion of the history. This ground has been more thoroughly explored than any other topic involved.

Art is naturally the leanest topic in this story of the greatest of the northern races. In all the old centuries, architecture is the whole matter. In this magnificent development, it was the ecclesiastical impulse, rather than a sense of beauty, which reared the cathedral structures. The islanders took over the Continental movement, and gave it noble expression, on their own soil. Later on, the manor house and cottage made homes worthy of the genius of the people. Not until Hogarth was there a native artist.

The chapters on trade and industry bring us to the heart of the book. Here there is no conventional division, and no artificial treatment. Commerce, which the Phoenicians began in historic time, the narrow islanders took up and carried forward to the dominion of the seas, to a commercial dominion, greater than the political empire of Britain, greater than the peace of the Romans. It is not trading merely, not breasting the seas merely, not fighting merely, that has built up British ascendancy. It is the interchange, the facility born of struggle with Nature and Man combined, which has brought Britain out of obscurity, and has given her children, all together, the choice positions of the world. In this respect, the career of one offshooting branch of the English stock is even more remarkable than the work of the mother land. The Americans of the United States won the privilege of a continent from Britain, from France and Spain. Then they won the development and enjoyment of that favored land from Nature herself.

To comprehend history, this dominating characteristic of the English races must be traced far back in the making of England. This controlling feature of race-evolution is strongly marked on its home-loving, peace-regarding side, as it is remarkable on the aggressive conquering side, which has attracted most attention. The Saxon sea-rovers, who settled on the eastern shores in the fifth century, had all the fierce strength of the Scandinavian pirates. Yet soon—as history marks time—they became quiet colonists, and created true commerce in the ports which they built up. They traded far and wide, not only in brass, copper, tin, and gold, but in silks and gems. These mercers fell an easy prey to their

cousins, the Danish rovers, who came in later. Together the Saxons and Danes absorbed such Celtic elements as were capable of assimilation. This England was inoculated again with Scandinavian blood when William brought in the greater Northmen and settled them after the Conquest. In all these migrations and transmigrations, there is a profound current of civilization, stronger than the eddies of war or peace floating through it, that bore these varying races forward, and combined them in one stream of national life. This people, after tremendous internecine struggles, was prepared to fight abroad or to work at home.

Manners is an editorial topic which must be formal rather than substantial in its outlines and treatment. The personal vanity, expressing itself in the splendid dress of a feudal lord; the swarm of attendants around him, while his feet rested in rushes, where dogs crunched the remaining bones of the mediæval repast; these details of the uncomfortable living of peer, peasant, or artisan are rather parts of the whole life of the time, than an essential topic in itself.

Mr. Traill's introduction is an interesting essay, broad-minded and not necessarily historical. It is a manifestation of the purposes of the work, rather than a technical prospectus and arrangement of the matter in these immense volumes.

What is social England? What is the life of peoples, that history tries to set forth, to render out of the crystalized Past into the living features and glowing colors of the Present? If we would classify the records; the unceasing conflicts of war, the growing organic system of the State, fall into the political division; the development of faith, the outward forms of creed and worship are readily recognized as religious; the productive work of mankind, the tillage of the earth, and the exchange of products have created the category of economics. There is a sum of all this living, and it is coming to be called social. There is a contact and fruition of life, which is the result and expression of all these divisions and classifications. One's own life — whether of soldier or statesman, of priest or worshipper, of producer or exchanger — engraves itself on the life of one's fellows, and the resulting consequence is history, in the largest sense. Keeping this principle in mind we may, perhaps, contemplate some of the great epochs of the past in a new light of appreciation.

If we can separate the glamor of great personalities, the confusion of war and battle, the immediate effect of important institutions, from this greater stream of tendency, this development of social life, we may distinguish and define several great epochs in English history. We would not, and we could not, diminish the weight of great men, nor ignore the significance of a campaign; we would only readjust the perspective, that the development of man may stand out and appear to be of more relative importance than the doings of any men or the outgrowth of many things. In these great periods, the social life of the kingdom worked itself forward and developed according to, or in defiance of, the growth of

institutions, the shock of battle, the murder of kings. Under Henry III. there were certain great social changes, which manifest themselves clearly. The spirit of the Middle Ages is best conveyed in the one word, "feudalism." Church and State combined or moved in accord to carry the smaller landholder into that dependence upon the landlord or overlord, which we call feudalism.<sup>1</sup> This was a system of minute obligations, which ramified from the top to the bottom of society. In the time of the third Henry, the smaller barons left their castles and fortalices, and built manor houses for comfortable occupation. These latter were fortified, but they were homes for defence, instead of citadels for rapacious war. There was not much improvement in actual agriculture until two centuries later; when better rotation of crops, more liberal application of manures, and the freer use of horses gave larger returns from the land. But the basis for an organic system of farming was laid, when the armored knight became a country gentleman.

Politically, Simon of Montfort's Parliament makes its own era. Moreover, this period has been termed the era of municipalities. There were town charters, city leagues, and systematic commerce. Out of these conditions came new social power, that was concentrated in the hands of a middle class. Out of the middle class came representation, election by communes or commons; in short, the rise of a third estate.

We could not have a better illustration of the positive force of that social current that compels peoples and states in a stream of historic tendency, than we find in the career of Edward I. Why did the system of laws set forth by the great Longshanks become the solid basis of English common law for all the centuries since? We have great structures of constitutional and corporation law extending into all the complicated issues of modern civilization. But in criminal and private law, good authorities say, we date back to the fruitful thirteenth century, and to the statutes of the great Edward, having made little substantial change in the solid principles there laid down.

Something more than the prescience of genius must be discovered to account for this marvellous foresight of the true issues of civilization. Truly it was a period of great kings and statesmen in all countries. In France, Philip Augustus and St. Louis, in Spain, Alfonso the Wise, in Germany, Frederic II., in Austria, Rudolph of Hapsburgh; in all these states these great rulers lifted high the torch of light and civilization. And mark the concurrence of the factors of progress. About the time the "Dominion of the Seas" was made manifest, Edward I. established the long bow as the national weapon;<sup>2</sup> the weapon which almost changed the national arrangement of modern Europe. Weapons are destructive, but they sometimes accelerate progress, as the settler's axe destroys the forest in creating the peace and plenty of the meadow.

We pass to the time of the seventh and eighth Henrys, grouped together

<sup>1</sup> *Social England*, I. 209. A. L. Smith.

<sup>2</sup> *Social England*, I. 411, II. 45.

for necessary reasons. A brilliant king had generally a silent partner in the previous generation. As the great Frederic had a father in Frederic William — disagreeable enough, paternally, but a prodigious husband of military chests and builder of armies, — so the splendid, powerful Harry was fathered by the patient, sober, and discreet Henry VII., who loved peace better than war, lifted the system of finance, enlarged diplomacy, and forged out a practical method of absolutism. Moreover, he perceived social issues, and devised social legislation between the classes, which gives him the rank of a “just and able sovereign.”

As the fifteenth century turned into the sixteenth, a great change was impending in agriculture. The treatment of agriculture alone would be worth the publication of these volumes, if the development of law were not worth more still. Agriculture had come to a pause, waiting for transition into a different system. For some three centuries, rude tillage had been giving place to a semi-pastoral production of wool for export; sheep pasturage drove the villeins into towns and villages, or into dependence on the monasteries; sometimes into “sturdy begging” on the highways. Meanwhile the modern system of cutting up land into “several classes” was going on, and this virtually established competition with the monasteries. The process increased values of land nearly twenty-fold. The monastic system abhorred competition. The abbots were usually of noble family, living like country gentlemen, and so liberally that they were approaching bankruptcy, before bluff Harry forced them into involuntary assignment, without process of law. True, the necessary moral decadence of the monastic system made the spoiler’s task easy. But such a sweeping change in the tenure of property as was made by Henry VIII. was based on an inevitable change in economic management, or it would not have succeeded without revolution. Something more than Catholic elevation of the Host or Protestant reverence of the Book was involved here. At the same time the social development in municipal life had established great changes, according to Mrs. Green.<sup>1</sup> The social framework of England was being ossified into classes.

We have dwelt on these manifold changes, for they mark the significant periods of England. The great Elizabethan age began with Henry VII., a half century before the maiden queen was born. The powerful absolutism of the Tudors, barely tempered by parliaments, became the feeble absolutism of the Stuarts, defying parliaments and ending on the headsman’s block. But social development in England went on with hardly a pause. The pure domestic quality of Little England was developed from the reign of Edward I. to that of Henry VII. The work of the kingdom was little more than domestic; for the campaigns with the long bow ended in sorry failure, leaving hardly a ripple in the flow of Continental development. Greater England began with the Elizabethan

<sup>1</sup> “So far as evidence yet goes, the development of municipal government involved everywhere a struggle between the classes triumphant and the classes put under subjection.” — *Town Life in the Fifteenth Century*, II. 187.



age, or with the germs of the sixteenth century. Previous commerce had been thalassic, according to Professor Seeley's excellent definition. Edward I. established the staple, and Edward III. regulated the export of wool. He founded the security of commerce; "better than freedom," for it was the mother of freedom. The heroes of the Elizabethan age extended this petty trade, elevated its issues, and, through ocean commerce, sought the springs of prosperity throughout the world. They explored and traded; they fought, settled, and governed.

There are minor topics in this main theme which might well interest us. Mr. Traill could have made a special division embodying the treatment of the public health and the course of disease, which would have been important in itself. The modern application of science to this great social province has changed the course of history and altered the career of nations. Mr. Creighton shows, in this respect, how much better the conditions of the poor are now than the rich could command in mediæval times. These changed conditions dominate us so completely that we do not perceive the change as it appears on the surface. For example, the East Saxons were driven back from Christianity into heathenism by an overwhelming pestilence. Advancing civilization was swamped out. Or, if we would prefer the economic expression of civilizing force—a mode of reckoning better understood now—the experience of the fourteenth century is something startling. The Black Death killed off one half the laborers, and thus raised the wages and improved the condition of the other half. Nature works thoroughly; but she is an inconsiderate mother, who knows no remorse.

Economic terms and the consequences of economic valuation have deeply impressed themselves on the life of our time. They are significant in marking the change and the social development of the individual man and woman through the wage and the easy transfer of property and wealth; a change wrought out by some six centuries of individual evolution. For example, the great mass of the agricultural population are now landless, and have been since the seventeenth or eighteenth century. The relation between peasant and landlord is now economic,<sup>1</sup> and the peasant holds his social and political relations in his own hand. In the olden time, the peasant was a small landholder, while his social and political privilege—so far as he had any—was included in the rights and opportunities of the gentry. It is not the purpose here to argue concerning this change, but to note the significance of the fact. However, the main interest is in the main theme. The history of a complex nation like the British, of a manifold country like Great Britain,—with its connections, racial and political,—is a history of social development. War and peace, discovery and conquest, revolution and constitutional expression, diplomacy and finance,—all promote the larger life of the people, and enlarge the relation of fellow to fellow.

In this spirit we welcome this book, in spite of blemish and imperfec-

<sup>1</sup> *Social England*, I. 357. A. L. Smith.



tion, of occasional conflict or contradiction among the writers. As above mentioned, the critics have seemed ungenial in their judgments. It is not of so much consequence that the style of Dr. Heath is somewhat exuberant. His good matter adds to our knowledge. All the writers are not equal to Mr. Maitland in his excellent exposition of law, but all contribute something. Likewise, we may never prove exactly whether Celt or Roman chiefly made the England of the fifth century; or just how far Celt and Teuton mingled in the life that followed. It is of greater import to discern and comprehend that larger English life-spirit — greater than race and issuing in new functions of government — that has made Great Britain what it is.

WILLIAM B. WEEDEN.

*Ein Ministerium unter Philipp II.; Kardinal Granvella am spanischen Hofe (1579-1586).* Von MARTIN PHILIPPSON. (Berlin: Verlag Siegfried Cronbach. 1895. Pp. vii, 642.)

THE story of the sixteenth century will remain incomplete until we possess a history of Philip the Second which shall show him as the central figure in the great political and religious movement of his time. Martin Philippson gives us, in his admirable *Westeuropa im Zeitalter von Philipp II., Elisabeth und Heinrich IV.*, the nearest approach to such a picture. The same author's new book, on *Granvella at the Court of Spain*, forms a most valuable supplement to his previous researches. In preparing this work, Herr Philippson, not content with using the mass of original documents bearing upon his subject which have already been printed, has consulted manuscript sources in Rome, Naples, Simancas, London, Paris, and Brussels. This in itself indicates the universal nature of his theme. He deals with great questions and has thrown a flood of light upon one of the most momentous crises in the history of the world.

The author undertakes to write the history of Philip the Second during Granvella's ministry. In describing the conquest of Portugal, the alliance between Philip and the Guises, the victory of the Counter-reformation in northwestern Germany, and the conspiracy of Mary Stuart and Catholic Europe against England, the book, though covering so short a period, illustrates admirably the great meaning of the whole reign in history.

The purely biographical element is reduced to the lowest possible limit. After a few pages devoted to the career of Granvella before he was called to the head of affairs comes a capital description of the Spain of Philip the Second. Here, and scattered through the whole book, the author gives a great deal of information regarding the wretched state of the economic administration, one of the most potent factors in the sudden, and at first sight inexplicable, decadence of Spain. The description of the king's personality and methods of government is careful and instructive, but fails sufficiently to impress upon the reader

the real greatness of the part that Philip the Second, in spite of foibles and eccentricities, played in the history of the world. It is true that he was struggling against the progress of mankind. He was the mighty champion of a doomed cause. Though the superior forces of a new era frustrated his design, and brought Spain to the verge of ruin, we must not forget that he convulsed Europe in his gigantic efforts to set up a universal monarchy, and that he rescued the Church from the tide of heresy which seemed about to overwhelm it. He must ever stand conspicuous in history as the sombre and awe-inspiring representative of an order of things that was passing away. The result of his reign was to keep the Middle Ages from merging too suddenly into the thought and life of a modern world.

In his new book Philippson emphasizes still more strongly than in his *Westeuropa* the questionable statement that the advent of Granvella marks a complete change in Philip's policy. According to Philippson the king suddenly gives up his policy of peace and reconciliation for one of decided aggression. This change, however, was only external, and was due to a change of circumstances. Philip's designs of Catholic and Spanish supremacy had in reality always been the same.

When he summoned Granvella from Rome to Madrid, Philip was deep in plans for the acquisition of Portugal. He thought Granvella the most suitable adviser in this great enterprise. The king gave him a flattering welcome, and overwhelmed him with marks of his esteem, to the indignation of the jealous Castilians, who hated the mighty cardinal as a foreigner, and finally succeeded in depriving him of his power. Granvella's energetic advice in the Portugal affair met with the king's full approval. He told Philip first to get possession of the country, and then prove to the world the justice of his claims.

The conquest of Portugal involved Spain in most complicated diplomatic relations with Rome, France, and England. All these powers had naturally dreaded this increase of Philip's already enormous empire. France and England aided the Portuguese pretender and the rebellious Low Countries. It was the beginning of the great European struggle which was to end in the defeat of the Armada, the accession of Henry of Navarre to the throne of France, and the independence of Holland. Of all his schemes of universal monarchy the conquest of Portugal was alone successful.

The author follows with great care the long diplomatic quarrel, constantly verging upon open war, between Spain and France, a quarrel which shows Philip the Second to have been not so much a reactionary bigot as an ambitious prince, seeking, above all, the interests of his country. He even carried on negotiations with Henry of Navarre and his ally Montmorency, abandoning them only because the Guises seemed better able to serve his purpose of fomenting civil war in France. The worldly, interested nature of his policy is also revealed in his relations with England and Mary Stuart, which Philippson also describes in great detail. The

Catholic king plays with the unfortunate Queen of Scots, regarding her and the English Catholics not as martyrs to be rescued, but as tools to be kept ready for future use. His vague promises of help served to inspire her with hopes which Philip never meant to fulfil. He was at heart utterly opposed to a European coalition for her rescue. He feared Guise as an ally in such an undertaking because he was a Frenchman. Mary Stuart, too, was half French and Philip was unwilling to waste Spanish gold and Spanish blood at the risk of making England a tributary to France. Not till Mary Stuart bequeathed him her rights to the crown of Great Britain, and the civil war in France made interference from Guise impossible, did Philip decide upon the invasion of England; for not till then was it possible to undertake the conquest for the aggrandizement of Spain alone. As for Mary Stuart, Philippson thinks he has proved beyond reasonable doubt her complicity in Babington's plot to murder Elizabeth.

Even in his policy towards the Pope and the Church, Philip, like his minister, Granvella, was first Spanish, then Catholic. With the aid of his new manuscript material, Philippson describes, with great spirit, several sharp passages of arms between Rome and Madrid illustrative of the king's constant and successful struggle to keep the Church subservient to the State. Philip regarded himself as the secular head of the Catholic world. To him and not to the Pope the Spanish clergy were to look in all but matters of mere belief.

The threads of that reactionary diplomacy by which Philip the Second hoped to bring Europe to his feet extended to Germany, and even to Poland and Scandinavia. The important struggle for the archbishopric of Cologne falls within the period covered by Philippson. The struggle was decided not by the representatives of Protestant and Catholic Germany, whom it most nearly concerned, but by Dutchmen and Spaniards. Philip the Second, and not the emperor, won the victory which restored northwestern Germany to the Holy See.

The great statesman to whose energetic policy Philip's success in Portugal and the Walloon provinces was largely due endeavored, also, to persuade the king to plunge into open war with France and England. Philip, however, was not ready to follow his fiery old counsellor here. After a year or two of office, Granvella's influence suffered a marked decrease. At the time of his death he was prime minister only in name. When the king eventually attempted to carry out Granvella's advice in regard to France and England, he did so with a hesitancy and lack of vigor utterly unlike the aggressive energy of the stout-hearted cardinal, who, if he had gained complete control of affairs, would have greatly postponed the fall of Spain, and might have realized, for a moment, his ideal and that of his old master, Charles the Fifth, — a world empire under the house of Habsburg.

W. F. TILTON.

*The Life of Sir William Petty (1623-1687), one of the first Fellows of the Royal Society, sometime Secretary to Henry Cromwell, maker of the "Down Survey" of Ireland, author of "Political Arithmetic," etc.* Chiefly derived from private documents hitherto unpublished. By Lord EDMOND FITZMAURICE. With maps and portraits. (London: John Murray. 1895. Pp. xvi, 335.)

SIR WILLIAM PETTY is a considerable name; and that in two different fields. The maker of the "Down Survey," he successfully performed a task which called both for administrative ability and for integrity, and he left behind him a record upon which, even to-day, rest the land-titles of the larger part of Ireland. The author of the essays on *Political Arithmetic*, he was one of the creators of modern statistics, and he has a place of his own in the history of economic thought. Accordingly, the biography just prepared by his descendant, Lord Edmond Fitzmaurice, "chiefly derived from private documents hitherto unpublished," will be welcome to readers of very varied interests.

The book is full of information and, in particular, it gives us abundant means of arriving at a fair estimate of Petty's character. The author has restricted himself to the presentation of his manuscript material, printing no inconsiderable amount of it *in extenso*, and giving a readable account of the rest; and for such tedious work, so carefully done, he has our thanks. But one result is that the reader will profit by the book only in proportion to what he already knows of the period; and even those who have some tolerable acquaintance with the time will find themselves at a loss to explain many of the allusions with which Petty's papers are strewn. The note on pages 296, 301,—"the allusion is not clear,"—might stand with equal propriety at the foot of many other pages. Another result, of course, is that we are given throughout only Petty's version of the events in which he was concerned. Though we can readily understand how an impartial performance of his duties in the survey and allotment of Irish land may have raised against him a host of unscrupulous enemies, yet it would hardly be safe to suppose that "the indices and catalogues of the gross wrongs suffered between 1656 and 1686" (p. 296) are absolutely trustworthy.

Since Roscher's Essay of 1857, Petty has been commonly looked upon as one of the early opponents of the "mercantilist" policy of trade restriction. In the useful account of Petty's economic writings given in Chapter VII. Lord Edmond Fitzmaurice points out that, although Petty argued against certain proposed restrictions upon grounds which seem to imply free trade "principles," he nevertheless contrived at the very same time to declare his belief, and that in unambiguous terms, in the fundamental idea of "mercantilism"—the idea of the balance of trade. The author loyally attempts to save the economic credit of his ancestor by the reflection that "the early authors on political economy wrote

with a constant fear before their eyes of speaking too freely." But he gives another explanation that seems quite sufficient. Petty's "mind was essentially practical." He not only "would probably have preferred the relaxation of the fetters of Irish trade" — in which he had a pecuniary interest — "to any amount of proclamation of abstract truth," but his was a mind with no great gift for abstract truth. He illustrates the strength and weakness of practical men. They do much towards the removal of evils in detail, but they allow to remain, unchallenged, the very principles from which like evils are bound to spring afresh. And so there will always be room in the world for the theorist.

The character of Petty, as he himself here reveals it, is hardly an amiable one. Not only master of all the physical science of the time, but also an inventive genius; affectionate towards wife and children; gifted with a quiet humor, and a power of mimicry that entertained his companions (p. 159), and with the gift of expression that seems the common property of the men of his century; he had other qualities less likely to call forth admiration. His friend, Southwell, ventured to tell him, "there is generally imbibed such an opinion and dread of your superiority and reach over other men in the wayes of dealing that they hate what they feare" (p. 175). He was unseasonably pugnacious in the defence of what he deemed his rights, contending, as the same friend told him, "not for the vitalls, but for outward limbs and accessories, without which you can subsist with plenty and honor." Early success made him overweeningly self-confident; as when, with scant knowledge of law, he readily accepted a judgeship in the Irish Court of Admiralty (p. 248). He was notoriously close-fisted (pp. 289, 314); and even in his relations to his private friends he showed an evident want of delicacy of perception. The man who seeks to comfort his most intimate friend upon the death of his wife by reminding him that he can marry again (p. 259) is not attractive. And, besides, Petty was one of those who combine with a keen desire to benefit society an equally keen desire to feather their nests in the process; and such men are seldom liked.

W. J. ASHLEY.

*Life of Adam Smith.* By JOHN RAE. (London and New York: Macmillan and Co. 1895. Pp. xv, 449.)

MR. RAE has made not only a valuable contribution to our knowledge of the career of Adam Smith, but, incidentally, has presented an instructive picture of educational activity during the middle of the eighteenth century. Adam Smith, after studying at Glasgow College from 1737 to 1740, under teachers of unusual power, spent six years at the familiar Oxford of Gibbon, — years of valuable study to him, although his opinion of the university as a seat of learning is hardly less disparaging than that recorded by the great historian. The following years at Glasgow and Edinburgh were filled with the various activities of an old-time professor

who, in Dr. Holmes' phrase, filled not a chair but a settee. As a lecturer on literature, politics, morals, and economics, a college administrator, a travelling tutor in France, Smith gained that comprehensive knowledge of the world and wide outlook on life which distinguish him above most of his followers.

Intellectually he seems to have been most deeply indebted to Hutcheson at Glasgow, who, twenty years before any of the Physiocrats wrote a line, instilled into him the doctrine of natural liberty to which he was to give such an extensive application. Hardly less important than the influence of the philosopher was that of the great merchant Andrew Cochrane. This remarkable man was the founder of the Political Economy Club early in the decade of 1740-1750, the first organization of the kind on record. Cochrane was the leading spirit of this club, which met weekly during the thirteen years of Smith's residence in Glasgow. Of its discussions only brief hints have come down to us, but enough to indicate their value to Smith.

It is not possible here to follow Mr. Rae's painstaking narrative of Smith's life and work, or to do more than to give a glimpse of his character and of the early fortunes of his greatest work. The picture of Adam Smith, that gradually takes shape before one, is that of a typical eighteenth-century mind, largely emancipated from the bonds of tradition, glowing with the dry light of reason more than with deep emotion, thoroughly conventional and classical in taste, and showing no trace of the nascent romanticism. Smith enjoyed the friendship and respect of many of the greatest men of his age, with the conspicuous exception of Dr. Johnson.

When *The Wealth of Nations* appeared, early in 1776, it sold well, although with little help from the reviews. There was no notice of it in *The Gentleman's Magazine*, and *The Annual Register* gave it only two pages, while according Watson's *Philip II.* sixteen pages. The recognition abroad was almost immediate, coming first from Germany, where a poor translation appeared as early as 1776-1778. In 1777 the *Gelehrte Anzeigen* of Göttingen contained a review, and a course of lectures on the work was announced for the following winter at the university. Yet in spite of this early appreciation *The Wealth of Nations*, for a time, made little impress upon German thought. Roscher discovered hardly any references to it between 1776 and 1794. In France the case was different; the first version, by Blavet, was published, as a serial, in 1779-1780, and in book form in 1781. In spite of defects, which in the eyes of the Abbé Morellet made it so much a betrayal of the author as to prompt him to attempt a new version, it went through several editions. In 1790 there appeared a translation by Roucher, and in 1802 a third, the best of all, by Garnier. It was translated into Danish in 1779-1780, and into Italian in 1780. In Spain *The Wealth of Nations* received, at first, the flattering tribute of suppression by the Inquisition, on "account of the looseness of its style, and the lowness of its morals," but this dis-



approval was apparently only temporary, for in 1794 a Spanish edition in four volumes was issued.

In view of this remarkable diffusion of the work, it is, perhaps, rather surprising that *The Wealth of Nations* was not referred to in the House of Commons until seven years after its publication, when it was on the eve of a third edition. It was quoted as an authority next in 1787 and 1788, but not again until Pitt's admiring reference to it in his budget speech, February 17, 1792. The first reference to it in the House of Lords was in 1793.

But the influence of *The Wealth of Nations* on English policy was more marked than would appear from the parliamentary debates. In 1777 Lord North imposed two new taxes which had been suggested in its pages, one on man-servants, and one on property sold at auction. The inhabited house duty and the malt tax of the budget of 1778 were also derived from the same source. The extensive, but unacknowledged, use made of *The Wealth of Nations* by Hamilton, in his Report on Manufactures in 1791, has, apparently, escaped Mr. Rae's notice. The reactionary feeling arising from the French Revolution, as it retarded all movements of political reform, likewise checked the influence of *The Wealth of Nations*, although without seriously impairing its sale.

EDWARD GAYLORD BOURNE.

*The Decline and Fall of Napoleon.* By Field-Marshal VISCOUNT WOLSELEY, K.P. (Boston : Roberts Brothers. 1895. Pp. viii, 203.) *The Rise of Wellington.* By General LORD ROBERTS, V.C. (Boston : Roberts Bros. 1895. Pp. x, 198.)

THESE admirable monographs, by the new Commander-in-Chief of the Forces, and by the special pet and hero of to-day's British soldier, giving in a crisp *résumé* the last half of the career of Napoleon, and the entire career of Wellington, form an initial part of the Pall Mall Magazine Library, and contain information, not indeed new, but so concentrated that the reader, whom sparse time forbids Jomini or Napier, may refresh his knowledge of the era which the restless Corsican made immortal. Limited by space, there is yet a well-digested mass within these covers, clearly collated and tersely expressed. To the British public they must be highly acceptable ; their chief interest to us lies in their thoroughly British point of view. To the average Briton, the Titanic wars from 1796 to 1815 seem to have been mainly waged by England ; Napoleon's downfall to have been due to her men and money ; the gigantic continental armies and equal expenditure to have counted for less. "It must be generally admitted," says Lord Wolseley, "that it was the war maintained by England against France, in Spain by land, and all over the world by sea, together with . . . her lavish subsidies, that eventually destroyed him." This view is traceable to that Anglo-Saxon singleness of aim which has conquered the world, the inheritance of which indeed has built up our own great country. Were one of us to write from



the "Greater Britain" standpoint, he might reach the same wrong estimate. From a national standpoint the sense of international proportion is lost, and too much stress is laid upon the work done by one's own people. Should these volumes fall into the hands of a man unfamiliar with those stupendous twenty years, he must conclude that England, with her three-score thousand British soldiers in the Peninsula, was the main instrument in forcing Napoleon's first abdication; and that Wellington, with his 25,000 British soldiers at Waterloo, was the absolute cause of his ruin. The millions of men raised by the continental nations, their death-roll greater many fold than all the men England put into the field, seem to vanish from the stage; and "Marschall Vorwärts," without whom Waterloo would have a French triumph, is quite forgotten. In the same manner, Eugene is never mentioned in connection with Marlborough: Blenheim becomes a British victory. This is inseparable from any strictly biographical sketch; only scrutiny of the subject from a point of view not national will gauge the relative values. The facts are that England's supremacy at sea was a considerable factor in the problem; that her subsidies were important; that her military aid on land was trivial. Were it possible for an unprejudiced statistician to reduce to percentages her value in the entire struggle, it would surprise one to see for how much less she counted than these volumes indicate.

Not but that the eminent writers aim to be fair. Lord Wolseley characterizes Napoleon as a Colossus among men, the greatest of all captains; he does abundant credit to his supreme military genius. Napoleon's decline, traced to a mysterious malady, Lord Wolseley begins in 1812; but it is clear that in 1809 there was distinct failure of his early decisiveness; mental and nervous strain were reacting on his physique. The sketch is able and forcible, and the volume, except for the modernized punctuation, which distinctively hampers instead of helps, is very pleasant reading.

In his busy life, as his articles show, Lord Wolseley has studied our civil war quite superficially. The continental critics have gone into them more *au fond*, and have discovered their good as well as their weak points. Lord Wolseley insists much on the value of regulars, forgetful that (as Lord Roberts points out) the best of all schools is the school of practice, and speaks of our 1865 troops as "undisciplined and untrained." The fact is, that in 1865 (eliminating all foreign-born) there were on both sides a million Anglo-Saxons, the residuum of over three million enlistments, who were the veterans of four years of war and 200 pitched battles, a body in which over a hundred regiments lost in killed in some one action a percentage higher than that of the heroic Balaclava charge, — many almost twice as much; a body in which from 1861 to 1865 the killed and wounded in battle averaged over 400 men a day; a body hardened by marching and fighting unsurpassed in any age; a body as good as and far more numerous than any army England ever boasted. Though they might not have saluted as stiffly, or pipe-clayed their belts as white as Tommy Atkins, they had learned their duty in a struggle against equal opponents. England stands

alone in not having, for many generations, had a war which jeopardized her very life; her campaigns for eighty years have been much like our Indian struggles; since the Crimea she has not faced a civilized opponent; war according to the larger standard is unknown to the British soldier. To Lord Wolseley the Tel-el-Kebir campaign naturally appears to exhibit greater skill and fortitude than the Wilderness, where in thirty days some 70,000 English-speaking men bit the dust; but the soldiers who have most studied and seen serious war, will not agree with him in depreciating the American volunteer. As a raw recruit he did, in truth, stampede at Bull Run, for which act it would not be hard to find precedents, even among British regulars; but he later learned to stand decimation unequalled since the battles of Napoleon. Dating from 1862 he was as good a soldier (whether regular or not) as has stood in arms since the disbandment of the Old Guard. Lord Wolseley never commanded — has never known — his equal.

Lord Roberts places Napoleon less high than Lord Wolseley does — possibly second to Wellington. He underrates him, charging him, for instance, with many mistakes in the Waterloo campaign, while Wellington made none, — an opinion quite untenable. Such estimates, however, to those who know this era, lend the book additional color.

Great Britain has always rewarded her heroes with royal munificence, and her sons serve her the better for their blind belief. In addition to many earlier gifts, Wellington was voted in 1814 £400,000, the equivalent to-day of five millions of dollars. What would Grant or Sherman, over whose paltry \$15,000 a year for life Congress fought so stingily, have said to this? England's coffers have been always full, and if money is the sinews of war, then she truly bore her share in the Napoleonic struggle, for her subventions to her men-rich, coin-poor continental allies, in 1815, rose to £11,000,000 a month.

In Lord Roberts' sketch of Wellington's character, he conceals no weakness nor (except in the comparative values) exaggerates his strength. The Peninsular campaign is lucidly summarized, the story of Waterloo happily told. Wellington had many of the qualities of the great captain, — a marked fondness for the offensive, judgment rarely at fault, tenacity of purpose, industry, push, patience and self-control under reverses, exceptional discrimination, and the ability to control though not to win the love of his men. Curiously, his despatches give small credit to the quality of his armies; and yet they marched and fought, as the Briton always does, superbly. The one quality Wellington lacked was that imagination without which no general reaches the highest rank. That he, with Blücher's aid, won at Waterloo, no more places him beside Napoleon than Zama raises Scipio to the level of Hannibal. Wellington may be fairly classed with Turenne, Eugene, and Marlborough. He can be ranked higher only from a British point of view.

The matter of these volumes never loses its interest. The manner of its presentation is what one might expect from the brilliant initial volumes

of the biographer of Marlborough, and from so able and straightforward a soldier as the man who marched from Kabul to Kandahar. They are a welcome addition to any library.

THEODORE AYRAULT DODGE.

*Histoire de mon Temps; Mémoires du Chancelier Pasquier*, publiés par M. le duc d'Audiffret-Pasquier. Deuxième partie; Restauration, III. 1824-1830. Tome sixième. (Paris: E. Plon, Nourrit et Cie. 1895. Pp. 485.)

THE sixth and last volume of Pasquier's *Mémoires* is, strictly speaking, a history of the decline and fall of the restored elder branch of the Bourbon dynasty. Those familiar with the earlier volumes will not anticipate, in the closing one, any of the personal interest which attaches to the traditional French memoirs. There is neither wit nor wickedness. It reads like a lawyer's brief, and even the sedate reminiscences of Miot de Melito have not a little *verve* when contrasted with its systematic and unswerving progress. The chancellor confines himself closely to a narrative of the policy of Charles' ministers and their relations with the legislative chamber. There are no wandering personal recollections. When the author introduces himself, it is as a government official. The reader is, however, more than compensated for the palpable want of animation by the writer's admirable impartiality and coolness of judgment. There is nothing vindictive, for example, in his treatment of Charles X., in spite of the king's dislike for him. On the contrary, M. Pasquier, who had at least one opportunity of judging of the king's conduct in council, frankly owns that he was surprised at his intelligent participation in the discussion. Charles appears, moreover, to have listened to M. Pasquier's denunciation of the interference of the administration in elections, not only with equanimity, but even with approval. The writer's only object is to explain the king's policy and motives, and the attitude of the deputies and journalists toward the changing administration. There is a complete absence of the customary pen-pictures. The characters of the public men are exhibited only in their actions.

M. Pasquier had exceptional advantages for observing and ascertaining the true course of events. He had three times occupied a ministerial position under Louis XVIII., and was more than once included in the proposed ministerial combinations under Charles X. Although he wisely refused these invitations, he was naturally deeply interested in the inner history of the successive cabinets and gives it an important place in the volume before us. Still the reader will look in vain for any sensational discoveries which might revolutionize the current views of Charles' reign. While there are corrections and elucidations in detail, the story of blindness and incompetence remains much the same as it appeared before M. Pasquier's volume came to hand.

Pasquier substantiates the traditional belief that the reign of Charles X.

commenced, to all intents and purposes, at least two years before his brother's death. It seemed expedient to Villèle, the last minister of Louis and the first of his successor, to carry out such unpopular measures as promised to be advantageous, before the dauphin became king. The censorship of the press, for example, was introduced during the last failing days of Louis, only that its abrogation, by the same minister, might form an auspicious introduction to the new reign.

Charles was, as might be anticipated, much more obstinate in questions where his favorites were involved than in those relating to proposed legislation, which he not infrequently failed to grasp. He dreaded to part with a single one of the agents who had, since his return to France, formed what he called his party. This meant the maintenance of a secret council which rendered the position of the king's official advisers equivocal in the extreme. Two journeys which the king took in the northern and eastern provinces convinced him that, with such loyal troops as he had reviewed, and with the devoted people who greeted him, he would have no difficulty, when the time came, in shaking off the yoke of the constitutional party. The ministry of Martignac, suspecting the king's misapprehensions and aware of his essential want of confidence in the members of his cabinet, drew up, late in the year 1828 or early in 1829, a remarkable *mémoire* in which the hazardous nature of Charles' schemes, and the ruin which threatened him and his house, were portrayed with startling precision. After emphasizing the impossibility of obtaining a majority in the present chamber, or after a dissolution in the succeeding ones, "*Venait alors l'hypothèse d'une suspension momentanée de la Charte, qu'on rétablirait après avoir décidé par le pouvoir royal seul certains points qui ne peuvent être sagement décidé que par lui. Si, par malheur, de pareils conseils étaient écoutés, les ministres, accomplissant un rigoureux devoir, ne craindraient pas de déclarer au Roi qu'ils amèneraient non seulement sa ruine immédiate, mais celle de toute sa famille.*" Pasquier well observes, "*Je n'ai jamais vu de prédiction plus formelle, comme il n'y en a jamais eu de plus rigoureusement accomplie!*" Whether this well-meant warning first supplied the perverted programme which the king later carried out to the letter, M. Pasquier does not inform us.

The famous "221" who voted for the address in 1830, and who played such a conspicuous rôle in the succeeding election, would, Pasquier tells us, have been reinforced by some 80 members of the right centre, had it not been that these, offended by their exclusion from a committee, refused to concur with the majority with which they were in substantial accord, so far as the king's policy was concerned. This left the minority 120 strong, while, had there been but 40 on his side, the king might well have despaired of gaining a majority through a dissolution, and in this way the crisis might have been postponed, if not altogether obviated.

The incredible negligence of the king and Polignac, and the apathy they exhibited during the July days of 1830, are, in a measure, explained by their reliance upon superhuman aid. The pious Count of Broglie, head

of a military school, upon offering, with some insistence, his support during the disorders in Paris, was put off by the king with the following startling exhibition of the royal confidence in divine favor: "*Allons, mon cher comte, je vois bien qu'il faut tout vous dire. Eh bien, Polignac a encore eu des apparitions cette nuit; on a lui promis assistance, ordonné de persévérer, en lui promettant une pleine victoire.*"

One cannot read this account of the blindness and incapacity of the youngest of the royal brothers, without recurring constantly to the sorry figure of the elder brother when facing a graver crisis forty years before. There is the same pseudo-religious element, the same reliance upon secret councillors, the same almost ludicrous absence of common sense. And yet, there is a significant change in the attitude of the nation's representatives. Charles X., who was sheltered by ministerial responsibility, departed in peace, while the Prince of Polignac was condemned to perpetual imprisonment.

JAMES HARVEY ROBINSON.

*Un Ministre—Victor Duruy.* Par ERNEST LAVISSE. (Paris: Armand Colin et Cie. 1895.)

M. LAVISSE, to whom we are indebted for this sketch of the life of one of the most eminent historical writers of France, and of one of her most enlightened ministers of Public Instruction, had been one of his pupils at the Normal School, his secretary during the entire period of M. Duruy's ministry and, upon the minister's retirement from the cabinet of Napoleon, he continued to hold equally confidential relations with him until the close of his life in 1894. His prolonged social and personal relations with M. Duruy qualify him to speak of his hero with considerable authority, subject always to the limitations imposed by the obligations and the obscurations of friendship.

Victor Duruy was descended from a Dutch family which was induced to seek employment in the famous Gobelins manufactory in Paris during the ministry of Colbert. For seven generations his family had uninterruptedly contributed, in its way, to the world-wide fame of that institution. In one of its cottages, which had been occupied by the Duruys for more than a century, young Duruy was born September 10, 1811. His father was one of the heads or chefs of one of the departments of that famous industry. Victor was sent early to school in the Rue Pot-de-fer, but at the same time took lessons in drawing at the manufactory by way of hastening his preparation for embracing the family calling, which it was taken for granted he was to follow.

Thus far the history of young Victor differed as little from that of most boys as one hen's egg differs from another. There was no bow of promise in his cloud. The most any one could have predicted for him would have been, late in life, a succession to the post held by his father. But how he was destined to decorate the history of his country rather than the tapestry of the Gobelins he thus proudly recalled, the day he became a

member of the French Academy: "Mine," he said, "has been a singular destiny; at college I entered at the foot and came out at the head; at the École Normale, the same; at the Université I remained longer than any others on the lowest seat, and suddenly was sent to the highest. At sixty-two I had not yet been received at the Institute. And now I am a member of all three academies."

Duruy entered the École Normale at the age of nineteen, where he enjoyed the instruction of Burnouf, Michelet, Ampère and Jouffroy among others. Under such educational influences it is not surprising that the study of history became with him a passion, and the writing and teaching of history his vocation. He graduated from the École Normale in 1833 with the first honors in the *concours* of history.

In the month of January following, he was called to teach history at the Collège Henri IV., in which institution the Duc d'Aumale and the Duc de Montpensier had been recently matriculated, and M. Lavissee gives us to understand that it was on their account that the son of the Gobelins weaver was selected for this position. Here commenced privileged relations with the court. Louis Philippe invited him to a dinner at the Tuileries, which, of course, proved to him a very embarrassing ceremonial, chiefly through what seemed to him the excessive condescension of the royal family. His income from his teachership was but about \$320 a year. To eke out this scanty revenue, he placed a portion of his time at the service of the editor of the *Univers Pittoresque*. At the same time he continued to work on a *Histoire des Romains* which he began soon after leaving the École Normale. For this work, of which two volumes were published in 1843 and 1844, he was rewarded by M. Salvandy, then Minister of Public Instruction, with the Cross of Honor, and with a promotion to a professorship at the Lycée St. Louis, in 1845.

In the Revolution of 1848, Duruy took no part. He afterwards said he had never cried, "Vive la République," "Vive la Monarchie," "Vive le Roi," nor "Vive l'Empereur." In view of the relations which were subsequently established between him and Napoleon III., it is worth noting here that at the election which made Louis Napoleon President, Duruy voted for his rival candidate, General Cavaignac, and when Napoleon made his appeal to have his usurpation of the government confirmed by a *plébiscite*, at the general election in December, 1851, Duruy voted No.

During these troublous years for France, Duruy was very busy with his pen. The third and fourth volumes of his *Histoire des Romains* were ready for the press in 1850, but, as they embraced the period of Cæsar and the Empire, he did not find the times opportune for their publication until 1872, the year after the fall of the Empire and the exile of the Emperor. He also issued the first edition of his *History of Greece*, and also edited the *Collection d'histoire universelle*, for which he wrote the *Histoire de France*, in two volumes, which had a surprising success.

In 1859 Marshal Randon was relieved from the duties of governor-



general of Algiers. He wished the world to know that a mistake had been made in recalling him, and, at the suggestion of one of his officers of ordnance,—not wielding the pen of a ready writer himself,—he sent for Duruy, into whose hands he placed the documents required for that purpose. A brochure was the result, signed by one of the marshal's aids, and published. Shortly after this the marshal became the Minister of War. Seeing one day on the Emperor's table the *Histoire des Romains* of M. Duruy, he said, "What is your Majesty doing with this little book? I know the author, but I did not know that he found readers in such high places." "It is a good book," the Emperor replied, "and I would like to have a talk with its author. Since you know him, tell him to come to see me to-morrow at one o'clock." Some hours after this, one of the imperial lancers was seen riding through the Rue des Poules to announce to the professor the rendezvous which the Emperor had invited. This was the commencement of an acquaintance and of a friendship which appears to have endured, without interruption, through the respective lives of host and guest, and was, in different ways, highly creditable to both.

A few months later, M. Duruy was sent for by M. Rouland, the Minister of Public Instruction, and asked to prepare some notes on the history of the Pontifical States. In three days the required monograph was produced, giving an outline of their history, showing that they were formed like most of the great sovereignties of the world by all sorts of means, especially bad ones, and that they had been and were prejudicial to the Papacy. It concluded with a recommendation that the Vatican be left to the Pope, under the protection of the Catholic powers. The following week the minister recalled M. Duruy, showed him the proofs of his paper, which he excused himself for having put in type, as it was to be submitted to the Emperor, who did not like to read manuscript. He also requested M. Duruy to have it published. Before it was sent to the press, however, the insurgent Pontifical States had surrendered to Piedmont. The Tuileries government could not, in such a crisis, afford to expose itself to the suspicion of conniving at, or of being in any degree privy to, the insurrectionary movement in the Pontifical States, and therefore Duruy's paper appeared without his signature, with the title of *Papes princes Italiens*. Ten thousand copies are reported to have been sold in a few days.

The Emperor found in this brochure new evidence of Duruy's capacity for being useful to him. In 1861, Duruy was named *Maître des Conférences* at the École Normale, *Inspecteur de l'Académie de Paris* early in 1862, and in the same year was appointed to the chair of history, which had only just been established in the École Polytechnique. But the student's "peaceful life of thoughtful joy" was soon destined to experience an abrupt and prolonged interruption, and his shoulders subjected to burdens for which, to say the least, they had no special adaptation. In the winter of 1862 M. Moquard, the President's private secretary, sent



for Duruy and said that he was getting old and that the Emperor wished him to have some help in his work, and desired M. Duruy to designate some university man suitable for such a function.

In the progress of the interview it became apparent that the university man upon whom the Emperor's affections were placed was Duruy himself. To reconcile such an application with his duties as inspector of the university, it was arranged that Duruy should pass two hours of every day in the Emperor's cabinet, on condition that nothing should be said about either an official title or compensation. It soon transpired that he was there to assist the biographer of Cæsar and not to relieve the biographer's aged secretary. Among the things about which we are told that he was consulted was a passage in the preface about the imperial biographer's theory of providential men, as to which Duruy is reported to have somewhat disappointed his imperial patron by contesting that theory and remarking that a person charged with the training of a lad should teach him that we "are not slaves, but the architects each of his own fortune." The historian's argument appears to have failed to convince the Emperor, as the passage in question was retained. *Post hoc* if not *propter hoc*, the Emperor soon ceased to counsel with his supplementary secretary about Cæsar and Cæsarism, but got in the habit of conferring with him, confidentially, about more important cabinet questions. At the end of three months, he was gazetted in the *Moniteur* as the Minister of Public Instruction to replace M. Rouland.

Duruy was in the fifty-third year of his age when he entered the cabinet of Louis Napoleon. The Department of Public Instruction in France, during the present century, has been pretty uniformly filled by men selected from her most eminent citizens, but it would be difficult now to name any one better equipped for the discharge of the proper duties of such a department, or as well acquainted with its actual needs at the time of his accession, as Duruy. In the various positions he had held in honorable succession, from that of a pupil to that of inspector-general, he had acquired a familiarity with the kind of instruction given in the schools of France, its merits, its defects, and its abuses, and with all the malign influences to which they were respectively attributable, which it is no presumption to say was not possessed in a greater degree, if an equal, by any other man. He thought, and rightly, that the time and opportunity had come when obscurantism could receive its quietus. With these views it deserves to be said to the credit of the Emperor that he was in cordial sympathy, and no doubt fully justified the hopes and confidences with which Duruy at once began to break the ground for a comprehensive and thorough system of educational reform.

Popular education in France, at this epoch, consisted of a little reading, a little writing, and a little arithmetic, supplemented by a good deal of catechism and Bible history. "Thousands of communes," says M. Lavissee, "were without schools for girls, and most, if not all, hamlets with no schools at all; there were no schools for adults; not a single vil-

large library; teachers were paid only starvation wages, some 5000 female instructors receiving less than \$80 a year, some less than half that sum, and not one of them entitled to a retiring pension, nor any teacher of either sex assured a retiring pension which would yield more than 20 cents a day."

Unhappily the Church of Rome, which claimed and had heretofore enjoyed controlling influence in this department of the government, on the one hand, and the Emperor on the other, were animated by conflicting views in regard to the share which the clergy should have in the education of the people, especially those of the gentler sex, a difference which the Emperor's Italian policy had made irreconcilable. The new minister determined, as the first step to a reform, to put an end to the mediæval system of education which the clergy so tenaciously cherished. Of course he soon had the ecclesiastical hierarchy in full cry upon him. He received little support in the beginning, and soon none from his colleagues in the cabinet, whose experience and observation had taught them, as politicians, to beware of incurring the enmity of the Church. They were quite willing that Duruy and the Emperor should wage war with ultramontaniam, and even wished them success, but each said to the Church as the negro said to the copperhead, "If you'll let me alone, I'll let you alone."

Sustained by the Emperor, Duruy effected many reforms; reforms which France has since learned to appreciate. Of this ample evidence is to be found in the honors showered on him by the republican government which succeeded the Empire. With these reforms there is no occasion to trouble the American reader.<sup>1</sup> The only reflection their enumeration would be likely to inspire would be one of wonder that so recently as 1863 France should have required such reforms.

M. Duruy committed an error, if it was in his case an error, which all earnest men are apt to commit who are called into an important public office without any previous experience in governmental administration. He found everything needed change, but he did not realize the impossibility of changing the habits of a nation, for no matter how much the better, all at once. He no doubt precipitated too many changes at a time, each of which affected, unfavorably, the selfish interests of some, and thus incorporated, especially in the Church, a formidable hostility to his administration. He was rated for his extravagance, but no such accusation would have ever been heard of, probably, had he allowed the Church to remain in control of the schools, for the meagreness of the budget for educational purposes was one of the most indefensible and often assailed offences of the administration of Napoleon III. Duruy took credit to

<sup>1</sup> If any of our readers are curious to know the nature and extent of the reforms projected by Duruy, we would refer him to *L'Administration de l'instruction publique de 1863 à 1869*, published by Delalain. In these two volumes may be found all the addresses of the minister, his reports to the Emperor, his circulars and official instructions.

himself for having increased the budget of his ministry from \$3,855,701 to \$5,428,930. He was frequently compelled to invoke the aid of the Emperor to make Fould and Rouher yield to his modest demands. In his desperation sometimes he did not hesitate to appeal directly to the Emperor and ask if he did not fear the reproach that would soon be in all mouths that France spends twenty-five millions of francs for a prefecture, fifty or sixty millions more on opera, and yet begrudges an increase of seven or eight millions upon the ordinary budget for the education of the people.

His official career was a continual struggle with the Church, and without effective sympathy or support from any quarter except from the Emperor, who is believed to have rendered him all the support in his power. But he, alas! had built his house upon the sand; he had sought to reconcile a purely personal government with popular sovereignty. After the Mexican disaster, the Emperor called parliamentary government into existence. The institution of parliamentary government naturally involved an entire change of ministers. It ought not to have been a surprise to Duruy when, shortly after dinner in the evening of the 19th of July, 1869, the following letter from the Emperor was put into his hands:

MY DEAR M. DURUY:—

It is one of the bad sides of the present situation to be compelled to separate myself from a minister who had my confidence and who had rendered great service to public instruction.

If politics have no bowels, the Sovereign has, and he wishes to express to you his regrets. I have charged M. Bourbeau, deputy, to replace you. I hope to see you one of these days, that you may tell me what I can do to testify for you my sincere friendship.

Duruy was shortly after named senator. Then and there his connection with the Empire and with politics practically ended forever.

The morning after Duruy received the imperial missive which restored him to freedom and his library, M. Lavissee tells us, "As I was descending from my chamber, I saw the door of M. Duruy's cabinet half open.<sup>1</sup> The ex-minister was already at work. He had drawn from a *cartonnier* some packages of paper, stained by age, and was looking at them as at an old friend from whom he had been long separated. They were the third volume of *L'Histoire des Romains*. 'Since you are here,' he said, 'you may help me. Let us go to the library.' From thence we brought several armfuls of volumes. Surrounded with them, he was, in a quarter of an hour, hard at work with as little thought of

What the Swede intends and what the French

as if he had never ceased to be a simple professor at the École Normale." The next twenty years and upwards, he devoted himself pretty exclu-

<sup>1</sup> They were lodged at this time at Villeneuve St. Georges.

sively to historical work, except for the short time in which he enlisted for the defence of his country in her calamitous war with Germany.

His History of the Romans, from the remotest times to the death of Theodosius, was published, a volume or two at a time, between the years 1876 and 1885, and is the work by which his historical faculty may be most correctly estimated. It will always rank as one of the half dozen best productions of the French school of history up to the date of its appearance. It was promptly translated into the English, German, and Italian languages, and secured him an election successively into the Academy of Inscriptions and Belles-Lettres, into the Academy of Moral and Political Sciences, and finally, into the Académie Française. In the intervals of this work, he revised and perfected his *Histoire Grecque*, which is also a standard French classic. When in his eightieth year he had finished these works, he began a review of his *Histoire de France*, with which his long and useful labors as an instructor in this world terminated. It was in this year, 1892, and with a consciousness that the world which he had enjoyed so much and served so honorably was relaxing its hold upon him, that he set down, with a trembling hand, some pages about himself, of which we obtain the following glimpses from M. Lavissee. "He expresses the hope, if any one should occupy himself with him after his grave shall be closed, that justice would be done to his good intentions; he also recalls the fact that many who had been his adversaries had since admitted their error. The paper terminates with these words, 'If the *rappel* shall be beaten for me at the end of this year, 1892, I should say it was a timely end.'" The *rappel*, however, was not beaten for two years yet. He lived until the 25th day of November, 1894.

Duruy was trained to be an educator, and he spent his life as an educator. Even during the six years he spent in the ministry he was an educator and nothing else, running all the educational institutions of France instead of one or more, as before his elevation to the cabinet. He practically littered school-books during the earlier part of his professional life, and the histories upon which his fame is destined to repose were inspired by a desire to supply the student with books of which the literature of his country was lacking. Even in the parenthetical six years spent in the ministry he did not change his vocation. He was in the cabinet but not of it, any farther than as he was official head of the schools of the Empire. He had practically no part in the politics. He was consulted on political matters by no one but the Emperor, to whom he gave little advice which the Emperor was in condition, even when disposed, to accept, surrounded as he was, like Milton's Comus, by "grim aspects and ugly-headed monsters," with

nor ear nor soul to apprehend  
The sublime notion and high mystery

of a government of the people, for the people, by the people. Duruy's heart and soul were in the schools, and with the other departments he had scarcely more concern than the humblest clerk in his office.

The Emperor sympathized with him in his efforts to emancipate the educational institutions of his country from mediævalism and expand them to the needs of the times. That was the bond of union between them and, politically speaking, the only one. Duruy is not believed to have advised or directly countenanced any of the repressive measures which the Emperor deemed necessary for the perpetuation of his power and dynasty. He managed, however, under all the gravest disadvantages, greatly to improve the educational system of France, and it is safe to say that he was the only counsellor of the Emperor from whom such results could have been expected; for it was not in that direction that the prizes of politics in France in those days were supposed to lie.

JOHN BIGELOW.

*The Life and Letters of Edward A. Freeman, D.C.L., LL.D.* By W. R. W. STEPHENS, B.D., Dean of Winchester. (London and New York: Macmillan and Co. 1895. Two vols., pp. 435, 499.)

FREEMAN's life was uneventful, but is well worthy of a literary memorial. This has been prepared at the request of the Freeman family, by W. R. W. Stephens, Dean of Winchester, the biographer of Dean Hook. The two volumes devoted to Freeman's *Life and Letters* are attractive, readable, and well edited, but very inadequately indexed. The plan of the author is to describe, in an orderly way, Freeman's early life and course of education; his interest in history, architecture, and foreign politics; his pleasant home-life amid country surroundings; his literary, journalistic, and archæological work; his academic and political ambitions; his travels on the continent and his visit to America; his work at Oxford; his winters in Sicily and his fatal journey to Spain. These and many other subjects are rapidly sketched by the biographer and are illustrated in detail by copious extracts from Freeman's letters conveniently grouped by periods. The editor has wisely preserved Freeman's characteristic method of redating his letters when suddenly broken off, and, while venturing some conjectural interpretations and emendations of manuscript, has on the whole adhered closely to Freeman's own views of editorial duty towards dead authors. On this point Freeman thus expressed himself in a letter to Dean Stephens:—

"I have a very strong view about the way of publishing a dead writer's book. Setting aside a spelling-book, a law-book, a book of geometry, where matter is everything and form nothing, I hold that the author's text should appear as he left it. You may work in any corrections or additions (in brackets) that he made himself, but no corrections, no improvements, of any editor. Anything that is positively wrong may of course be pointed out in a note. I would not let editorial work go further. The book should be the record of its own author's mind alike in its strength and in its weakness."

Dean Stephens has refrained from correcting Freeman's bad German, but often calls attention in footnotes to misquotations and an occasional

confusion of classical names or words. Freeman was very fond of interlarding his letters with Greek phrases, chiefly of his own coining. Like St. Paul and the evangelists, he quoted very loosely from ancient literature. This habit was as characteristic of Freeman as blunders in geography were natural to Froude.

Freeman appears to good advantage in his patchwork letters. He would appear better if he had always remained true to his principle of spinning his yarn in plain English. Cardinal Newman thought the true life of a man is best seen in his correspondence. This is certainly the case with Freeman. His letters are himself, with all his strength and all his weakness. He was, among his many virtues and limitations, friendly, good-humored, bluff, hearty, honest, frank, manly, fond of children, kind to animals, energetic, hopeful, courageous, laborious, untiring, much-enduring, much-afflicted with cough and gout, needing care and sympathy, craving human companionship, sensitive, shy, proud, fretful, wayward, grumbling, growling, bellowing,—in short, a typical John Bull. He loved his friends and hated his enemies. Doubtless he overrated the merits of the one and exaggerated the faults of the other. Those who knew him best liked him. His faults were on the surface. Beneath his shaggy leonine exterior lay a warm heart and a tender sympathy for man and beast. He made all Englishmen howl with fury when he attacked fox-hunting, bird-shooting, and field-sports (see *Fortnightly Review*, October, 1869, and May, 1874), but he got the best of Mr. Anthony Trollope in the controversy. Freeman was opposed to deer-stalking and bull-baiting, but he liked nothing better than “Froude-smiting” and “making mince-meat” of Professor Seeley. He never wearied of smiting “fore and aft, hip and thigh,” all Turks and Jews, also Francis Joseph, Louis Napoleon, and Lord Beaconsfield; but he was capable of raising, by personal letters and appeals, \$25,000 for the relief of suffering in the Danube provinces. Dean Hook once reproached Freeman for being too severe in some of his book reviews. Freeman replied that he did not blame some men for being fools, which they could not help, but for writing books, which they could help. Freeman liked Dean Hook for his plain speaking, and once said of Miss Edith Thompson and the late J. R. Green: “I believe I love her and Johnny more than most people, because they bully me the most.”

Freeman's habits of work were very systematic. Unlike Macaulay, he usually carried on several lines of literary composition at the same time; but he mapped out his studies and arranged his materials upon different tables and in different rooms, so that there was no confusion, at least for him. Every day he drew up a time-table of proposed work and allotted to each subject its due proportion of hours. If in any case he exceeded the allowance, he would make a memorandum like this: “Big Sicily owes Little Sicily three-quarters of an hour.” This debt, from his *magnum opus* to the volume now published in Putnam's series called “Story of the Nations,” the historian would conscientiously discharge. Freeman's journal was not like Amiel's, full of meditations and speculations; it was a terse record of things done, read, or written.



Freeman was an early riser, and began his daily work before breakfast. Afterwards he took a little walk in his garden and then worked straight on till dinner, which, at his country home, was always early. The afternoon he devoted to recreation. Horseback riding and walking were his favorite modes of exercise. He was fond of having congenial company at "Somersleaze," where he settled in 1860; but when a dancing party or parlor theatricals threatened his domestic peace, he started off upon an archæological expedition. Antiquarians and other sympathetic visitors he would take on a stroll through the woods, back of his house, to the open top of a hill called Ben Knoll, where he believed the tide of West Saxon invasion was once checked, and where there is a view of remarkable beauty and historic interest. Like Petrarch, Freeman was generally averse to climbing mountains merely for an outlook or for exercise. For an historical purpose he would do anything, climb, or cross seas, anything except delving in libraries and archives not his own. Freeman delighted in exploring and sketching, in walking and talking, and in sitting under his own elm and cedar. He enjoyed letter-writing to personal friends, and usually found an hour before supper for cultivating society on paper. Apparently he would begin, at one time, letters to several different people, write to each a page or more, break off abruptly (perhaps in the middle of a word), and go on again when he felt like telephoning a brief message to somebody or other. His tables and floors were literally covered with unfinished letters. He seems to have kept his friends around him, like his books, and his children.

When Freeman came out to America he said there were two things that he wanted especially to see,—a town meeting and a negro baby. For some reason, probably climatic, colored babies were not on exhibition in Baltimore on those streets which Mr. Freeman happened to traverse, and he professed to be greatly disappointed. To console him in some degree, I took him one Sunday evening, with his wife, to see two types of negro meetings, or, as he called them in one of his letters (II. 242), "Black Methodists," and "Black Episcopalians." He became so interested in the singing and preaching at the Orchard Street Methodist Church that I could scarcely drag him away. The colored minister's text was from Genesis 49:10: "The sceptre shall not depart from Judah, nor a lawgiver from between his feet, until Shiloh come." There was so much Jewish history in the discourse that Freeman was greatly astonished. "Hear the black fellow," he said. "He is talking about the Sanhedrim." When the Methodist temple grew too hot we adjourned to the "Black Episcopalians," whose black choir in white surplices looked very droll to Freeman.

It appears from a letter to Stubbs that Freeman occasionally, in his own parish church, "put on an ephod," as he called it, and read part of the service. Freeman was something of a High Churchman, and was early versed in ritualistic matters. He thought "High Mass the finest thing in the world" (I. 245). While in warm sympathy with historical Christianity and with the Church of England, he hated theology and absolutely refused to be bound by religious dogmas. He had liberal views regarding the Bible



and the higher criticism. To Dean Hook he wrote in 1866: "I hold — and I see nothing in our formularies to hinder me from holding — that a great part of the early Hebrew history, as of all other early history, is simply legendary. I never read any German books on those matters at all, but came to the conclusion simply from the analogies supplied by my own historical studies." He wrote to his Catholic friend, Bishop Patterson: "It certainly does not seem to me that belief in Christianity at all binds one to the letter of the Old Testament, perhaps not of the New either. I fancy, somehow, that *you* are not nearly so tied to the letter as our people are — certainly the old people before the Council of Trent were not" (II. 390). In the *Contemporary Review* for April, 1889, Freeman attempted, in an article on "Christianity and the Geocentric System," to defend the historic faith from certain attacks by critics who thought Christianity could not be true because the world is so small and travels around the sun. Freeman answered the critics from the text in 1 Corinthians, 26–28, which he thought explained "the whole course of history better than anything else."

Freeman's jokes were often mediæval if not classical in their antiquity. "People had some fun in the eleventh century," he said, "or I should lead a poor life of it — see Osbern's letter to Anselm" (see *Reign of William Rufus*, I. 374, and II., Appendix Y, for further particulars). Fancy Freeman in Virginia going back to the Norman Conquest in order to make a joke about Virginia mud and his son's title to an old plantation. In a letter to me from "Rapid Ann Depot," Culpeper County, December 25, 1881, the old historian said: "I want to make a Virginia Domesday: it would fall so naturally into the old forms. *Freeman tenet; Bell tenuit Tempore Ante Guerram. Valebat . . . dollarios; modo . . . Waste fuit.* And in all cases we might add *Potuit ire quo voluit cum ista terra*, for the soil of the old Dominion sticketh to the boots and is carried about hither and thither." The church at Rapidan he found a poor concern. He said the pews made him better understand the saying of the psalmist (49: 5): "When the wickedness of my heels compasseth me round about"; for there was no possible way of kneeling, "save by altogether turning one's nose the wrong way."

The personal appearance of Freeman was well described in a piece of word-painting attributed by him to a Virginia blacksmith at Rapidan, who said of the historical humorist: "He is a jolly, sturdy-looking old buck." Four good portraits of Freeman are given in Dean Stephens' volumes. The first represents him, in the days of his fellowship at Oxford, as a ruddy youth, about twenty-four years of age, with side whiskers, curly hair, starched shirt, standing collar, and a fancy vest, — altogether a dapper and well-groomed university man. The second is a characteristic and amusing sketch of the historian of the Norman Conquest with a bushy beard, at the age of fifty-three, in a baggy suit of clothes, hat on, hands behind him grasping a stout umbrella; he is attending an archæological meeting at Usk Castle in Monmouthshire. The third portrait is an excellent likeness, from a photograph taken at Oxford, probably about the time

of his return in 1884 as Regius Professor of Modern History. The fourth shows him, long-bearded and very gray, at work in his Oxford study, 16 St. Giles, at the age of sixty-eight, only about four months before his death. He is sitting at a large table, which is covered with manuscripts and books.

HERBERT B. ADAMS.

*A History of Slavery and Serfdom.* By JOHN KELLS INGRAM, LL.D., Senior Fellow of Trinity College, Dublin; President of the Royal Irish Academy. (New York: Macmillan and Co. 1895. Pp. xiv, 285.)

MR. INGRAM's history of slavery and serfdom is his article on "Slavery," in the *Encyclopædia Britannica*, made by additions and the attractive print of a Black publication into a book of nearly 300 pages. His aim is to present such general knowledge of the subject as all well-educated persons should have. He describes briefly the slavery of Greece and Rome, then the change in Europe from slavery to the serfdom of the Middle Ages, and then the change, ending only in our own time, from serfdom to free labor, to personal independence. All this he treats as one great social movement, whose beginning was the enslavement instead of the slaughter of captives in war, a distinct advance in civilization, and whose slow steps upward then came about by the possibility of the absorption of slaves and serfs into the general popular body. To this is added a survey of the growth and abolition of negro slavery in America, and of the present condition of slavery in Africa and the East.

Although Mr. Ingram aims to give a complete account of slavery and serfdom in modern as well as ancient times, and does give in considerable detail the condition of the slave in Greece and Rome and of the later serf, we find no description of what African slavery in the West really was at the time when the long contest over abolition was going on. Viewing that slavery of modern times as no natural outgrowth of previous social conditions, but as politically, as well as morally, a monstrous aberration, he passes on to its abolition. At the close of his brief account of abolition in the United States—covering only twenty pages—he states that it is difficult to believe that the position of the negroes of America is finally determined; that the indelible mark of color must, apparently, keep the races apart and prevent a close degree of unity in the population; and that it is not easy to believe in the perpetual, peaceful co-existence, in a modern republican and industrial state, of a dominant and a subject caste, possessing the same political rights. Also, he quotes not only Jefferson's strong denunciation of slavery,—strong enough to suit an abolitionist of 1850,—but Jefferson's equally strong conviction that the Anglo-Saxon and the African races, equally free, could not live in the same government. But he evidently attributes this state of things chiefly to the mistaken ideas of the Southern whites—to the "contemptuous and exclusive feeling"

which he fears will continue to exist; and he says that the question of slavery and abolition in the United States ought to have been regarded "as a part of the world-problem of the proletariat."

We believe that Mr. Ingram's denunciation of modern slavery is just, but that his understanding and his treatment of it, in the United States at least, are incomplete. To understand abolition, slavery itself must be understood as it appeared to the thoughtful American of a generation ago, South as well as North. It cannot be treated "off-hand" from general principles, nor can it be treated at second-hand, unless the authorities are, comparatively speaking, judicious. The books which Mr. Ingram cites as references for abolition belong, all save one, to the controversial literature of the abolition school. Different from the questions presented by the slavery of antiquity, and by serfdom, the question before the people in the states where there were many slaves was very largely a racial one. Selfishness certainly blinded many men, and pride and resentment at what was regarded as impertinent interference of abolitionists certainly influenced all, but the leading question to the good men and good masters, who were in a great majority, and who saw their servants well cared for and happy, was what would be the future both of the blacks and of the community, were slavery abolished. The student of slavery, in picturing it, ought to be able to-day to put himself, for a time, in the place of the conscientious Southern planter. After doing so, he will probably rejoice none the less that slavery is abolished, but he will hardly express himself as Mr. Ingram has, for example, in saying that "The Christian churches in the slave states scandalously violated their most sacred duty" in advocating the maintenance of slavery, etc. And to-day, too, there may be thrown back on the subject the light which comes from the years of Reconstruction, from the results of the grants of freedom and citizenship to the African race.

JEFFREY R. BRACKETT.

*Adoption and Amendment of Constitutions in Europe and America.*

By CHARLES BORGEAUD. Translated by Charles D. Hazen, Professor of History in Smith College. With an introduction by John M. Vincent, Associate of the Johns Hopkins University. (New York and London: Macmillan and Co. 1895. Pp. xxi, 353.)

MR. BORGEAUD is one of the few European students of political science who understand that the tendency of modern institutional forces is most clearly revealed in the New World. Europe, America, South Africa, Australia — whatever lands, in short, the Aryan man has acquired — all exhibit the same social phenomena. The civilized world is one. But the historic conditions have been such that the English-speaking parts of America have been able to work out those political ideas which we are apt to call modern both at an earlier date and in more logical form than

has been possible in other lands. This truth Mr. Borgeaud grasps, and his book is in fact, if not in form, a development of this theme.

The dominant social fact of the nineteenth century we should probably say is democracy. And the progress of political democracy implies merely the increasing transfer of sovereignty from smaller to larger classes in the community. In this process, historic governments have been destroyed, and new ones have been created. Governments, to be sure, are merely the agencies of sovereignty. But the new sovereign, the people, has learned that whoever controls the government is really the sovereign, and that it is quite easy for sovereignty to slip away from its owner into the hands of those who are meant to be merely its trustees. Hence in reconstructing political institutions it has not been enough to devise a new frame of government. It has been necessary, also, to provide adequate guarantees for the people against their agents, and, above all, to preserve to the people such a control over their government as may enable them at any time to alter or abolish it at will. And the progress of any nation in political institutions may almost exactly be marked by the perfection with which these several ends are attained in the organic law. More than a hundred years ago the Americans set out to solve the problem by means of carefully drafted written constitutions. The way had been paved for these by the royal charters which had been granted to the various colonies, so that it was easy for the colonies, when they had discarded the crown, to take the next step and draw up their own charters. The French followed the Americans in their methods, and the French Revolution, permeating nearly all Europe, led to a long series of written constitutions.

In all these the mode provided for constitutional revision shows plainly enough where sovereignty lies. And the more or less complete control which the people have over the process shows how far democracy has progressed. The American organic law is, in all respects, the most fully developed. The American idea is that the people are sovereign, and that a valid constitutional change implies a more or less direct expression of the popular will. This is secured in the states of the Union by a direct vote of the people. Nowhere does Mr. Borgeaud more plainly evince his comprehension of the American system than in his luminous treatment of the states.

The French idea is to delegate change in the organic law as well as in ordinary law to the usual legislative body without reference to the people. This is hardly in accord with the real French theory of popular sovereignty, and seems likely to be a temporary device. In fact, the present French constitution was made by a legislature chosen for quite a different purpose, and it has never received the direct assent of the people.

In the Germanic group of states, the constitution has been made a sort of compact between crown and people, and each has a voice in revision. Here it is plain that democracy is incomplete, and wherever a constitution is a royal charter, a mere grant from the benevolence of

the crown, it is clear enough that in theory, at least, democracy exists only by sufferance.

Mr. Borgeaud has grouped these various classes of constitutions very clearly. His book is a distinct contribution to a comprehension of the meaning and tendencies of modern political science, and he has more wisely handled the whole subject historically. A mere political anatomy is quite as lifeless as any other skeleton of dry bones. Professor Hazen's work, on the whole, has been done with spirit and accuracy. Here and there in the process of translation, back and forth, as might be expected, an occasional odd expression has crept in. Thus on page 153 the lower house of the New York legislature is called the "House of Representatives," instead of the "Assembly." And on pages 153-158 the "Council of Revision" which was provided in the first constitution of the Empire State is called by the peculiarly infelicitous name of "Committee of Amendments." "Whomsoever," on page 189, and "firstly," on page 190, are words which, as a mere matter of English, themselves need a council of revision.

HARRY PRATT JUDSON.

*White Servitude in the Colony of Virginia.* By JAMES CURTIS BALLAGH, A.B. [Johns Hopkins University Studies in Historical and Political Science, 13th series, VI.-VII.] (Baltimore: The Johns Hopkins Press. 1895. Pp. 99.)

THE comprehensive, historic spirit which pervades this pamphlet entitles it to a candid consideration. I think it may be stated with truth that it is the first account approaching completeness of the subject of which it treats. Having pursued a similar line of investigation, I am glad to give the labors of Mr. Ballagh a warm personal endorsement. Some objection attaches, perhaps, to the title he employs; I think "service" is the proper word, and not "servitude," which is only another word for slavery. In most cases the service was based on consent, and Mr. Ballagh himself shows that the law bore harder on the workman in England than in Virginia. Indeed, the Rev. Hugh Jones (1724) asserted this fortunate condition of even the negroes.

The social equality among freemen in Virginia could never have been possible had the idea of slavery once attached to the white laborer afterwards made free. Everybody in the seventeenth century, except the king, was a *servant* in a certain way and, therefore, the term was no reproach. The word "slave" not only described a condition, but conveyed disgrace. It was common to apply the term "servant" to all medical and other apprentices, to all secretaries, factors, and agents, and to all employes in general. "Your obedient, humble servant" is still the language between equals. Theoretically, the severe laws mentioned by Mr. Ballagh, as regulating service in Virginia, applied to all servants, but in the same way now the law punishing murder applies to every person in the

United States. It was the wicked servant who felt the law then, just as it is the wicked person who feels the law now. The heavy expense of transporting a servant made it necessary to secure the master by severe penalties in the enjoyment of his property. There is still another fact explaining the social equality of the whites which Mr. Ballagh does not make conspicuous. Special research in the genealogies of Virginia families shows that while the majority of the servants were, doubtless, of humble rank, many who came over as servants were of "ancient houses"; some born to £1000 a year, and others, brothers and sons of knights and gentlemen who preferred temporary service in Virginia to living in England. Their family pedigrees were often registered in the College of Heralds, in England.

Again, Mr. Ballagh might have dwelt a little more upon another fact which had a great influence on Virginia society,—I mean the free character of the suffrage. The servant stepped at once from service into the arena of political activity. Mr. Ballagh shows that there was never any caste in Virginia, as absurdly declared in some quarters. The laws recognized no distinction among white freemen, and long before 1861 the very memory of servants' indentures had died out in Virginia. The poorest white man had to be socially recognized as "Mr." and there were no white menials as in the North. About the time of the Revolution the plain, middle class constituted more than half the population, as Mr. Ballagh remarks. The real poor whites were, during the eighteenth century, fewer in Virginia, according to Beverley and other writers, than "in any other country in the world." And despite the observation of the "contemporary writer," whom Mr. Ballagh quotes, I am quite sure that even this small poor white class were quite as good as people in a similar station anywhere.

To describe them as a "seculum of overseers," unprincipled and depraved, as Mr. Ballagh's authority does, is unhistoric. The observation of the contemporary writer to whom he refers was made at a time when the slave-owners were beginning to recoil under the reproach of slavery. The slave-owners were glad of the opportunity to shift to the overseers the blame of the harsher features of the administration of slavery. But the fact remains that the proprietors could not afford to employ, in the management of the plantations, other than honest and upright men. The overseer, it is true, was generally a man living on a salary, but he was by no means among the poorest of society. He generally had a fair education, and in later days was often of the family of the slave-owners. It cannot be denied that some of the overseers abused their power, and were harsh and even cruel, but unprincipled men are found the world over. We know that John Adams declared that in Massachusetts the fishermen were "more degraded than slaves." Col. Hudson Muse, of Virginia, drew a startling picture of the poverty of that class under the eaves of Harvard College, while Gerry grumbled that the worst order of men found their way to the Legislature of Massachusetts. This proves



nothing against the society of New England, or against the salient fact that the majority of the people of Massachusetts of all classes, like the people of Virginia, were virtuous, independent, and respectable.

In conclusion, I heartily recommend Mr. Ballagh's paper to all who are interested in the true history of our institutions. It is a model paper, because Mr. Ballagh has only sought to state the truth. It is an able paper, because he has very nearly stated the whole truth.

LYON G. TYLER.

*The Marquis de La Fayette in the American Revolution, with Some Account of the Attitude of France toward the War of Independence.* By CHARLEMAGNE TOWER, JR., LL.D. (Philadelphia: J. B. Lippincott Company. 1895. Two vols., pp. xi, 494, 537.)

To thousands who possess little acquaintance with the history of the French alliance, the name of La Fayette recalls one of the most familiar and romantic episodes of the war of the American Revolution. Yet Mr. Tower is quite right in saying that "France would have participated in the American Revolution if La Fayette had never existed." His conjecture that La Fayette would probably "have come to America if France had never declared war in our favor," is more open to doubt. The decision of France to espouse the cause of the colonists was in no respect determined by the course of La Fayette. But, though he came to America long before France decided to declare war, his coming is, to a certain extent, to be ascribed to the same causes that led France to take that step. He did not abandon his character as a Frenchman, and he remained a Frenchman to the end.

Nevertheless, the narrative presented in these volumes justifies the popular appreciation of La Fayette's character and motives, and of the value, if not of the precise nature, of his services. From the general mass of foreigners who sought employment in the American army, La Fayette is distinguished by the extent of what he gave, and the smallness of what he demanded. He was not devoid of ambition. Like a true Frenchman, he loved glory, and, as Jefferson said, he had a strong appetite for applause. But, while no mercenary motive entered into his conduct, he was also less governed than were most of his countrymen by the spirit of revenge. Though he was loyal to his king, he was sincerely attached to the principles of liberty. "What delights me most," he writes, immediately after his arrival in America, "is, that all the citizens are brothers." He expatiates upon the "simplicity of manners," the "love of country and of liberty," and the "pleasing equality," which he found among the people.

La Fayette came to America with the idea of helping to found a new state upon the principles of a liberal political and social philosophy. Yet, in estimating his conduct in disregarding the injunction of his king, and the opposition of his family, we must not lose sight of the fact that



he was sensible of and fully shared the general feelings of the French nation towards England. Mr. Tower is justified in saying that Kapp's statement is not historically correct, when the latter declares that what was true of Kalb was equally true of La Fayette, since they travelled together, and that, because the French government connived at the "escape" of Kalb, it must also have connived at the escape of La Fayette. The positions of the two men, and their relations to the French government, were very different; and the course of La Fayette occasioned embarrassments which nothing in the case of Kalb could have produced. But, on the other hand, it is easy to invest with too much importance the opposition of the French government to La Fayette's departure. So far as opposition was manifested, it was dictated, as Mr. Tower says, wholly by motives of policy. This fact La Fayette must have understood, and he could scarcely have imagined that he would incur by his conduct the permanent displeasure of the king, much less of the government. The injunctions of the government were constantly disregarded by those against whom they were uttered. Indeed, at the moment when the government was issuing "secret" instructions to its official agents to prevent the shipment of arms and munitions of war to America, it was furnishing such arms and munitions from its own arsenals for that purpose, and was secretly advising the American commissioners that the instructions might be evaded; and, after the departure of La Fayette, when there was every motive for preserving appearances, it virtually connived at the use by American privateers of French ports as a base of operations against British commerce, in flagrant violation of the treaties with England, the provisions of which, as Vergennes assured the American commissioners, the principles of the king required him scrupulously to observe.

But, however much La Fayette may have shared the general feelings of his countrymen towards England, his conduct from the moment of his first arrival in America exhibits a loftiness of purpose and a heartiness of endeavor which nothing but thorough sympathy with the motives of the struggle for independence could have produced. It was because of this sympathy, and of his immediate and thorough conformity to the conditions in which he found himself, that he was able, when the alliance between the United States and France was effected, to play the part of an intermediary between the two governments and their armed forces. In the discharge of this delicate and difficult function, even more than in his military services, lay the value of La Fayette's aid to the American cause. The alliance was, in many respects, an unnatural one. No government could have had less sympathy than that of France with the principles of the American Declaration of Independence. On the other hand, the English colonists in America shared, to the full extent, the national antipathy to the French, and they had, as British subjects, borne a conspicuously successful part in bringing about the conditions which France had found to be insupportable. Under these circumstances, there was often an urgent demand for the healing and persuasive influences of

those whose sympathies and experience were broad enough to enable them to play a mediatorial part.

It was, doubtless, with a view to exhibit this aspect of the matter that the author of the present work has devoted so much of his narrative to an account of the attitude of France towards the War of Independence. Whilst it will never be possible to supplant the magnificent work of Doniol as a history of the participation of France in the establishment of the independence of the United States, Mr. Tower has written a full and clear narrative of the alliance which will be read by many who would be daunted by Doniol's massive tomes, and which may also serve as an aid to those who desire to examine them. Sometimes, indeed, we seem almost to lose sight of La Fayette in the abundance of historical details. But this is a matter of proportion on which it is unnecessary to place great emphasis, since it has not resulted in any neglect of facts which are strictly relevant to the author's principal subject.

Mr. Tower properly assigns an important place to La Fayette's visit to France after his first period of service in America. The failure of the expedition of d'Estaing, and the consequent disappointment felt in both countries over the first-fruits of the alliance, called for the employment of good offices, which no one was so well fitted as La Fayette to afford. In this emergency Congress exhibited its sense of La Fayette's value not only by expressing appreciation of what he had already done, but also by investing him with extensive representative functions. America at this time stood in sore need of assistance, and it was within the power of La Fayette materially to contribute to obtaining it. When "he turned his face once more toward America," a new expedition "was assured, and the measures for its equipment were systematically undertaken"; and in securing the adoption of this measure La Fayette exerted an important, if not a decisive, influence.

Nor should we omit to notice the picture presented of La Fayette's relations to Washington—relations which were characterized on the part of the latter by a paternal confidence, and on the part of La Fayette by an unvarying loyalty. Indeed, they well illustrate La Fayette's constant attitude toward the American cause, from his first presentation to Congress to the surrender at Yorktown.

On the whole it may be said that Mr. Tower has produced a work which forms a worthy memorial of the interesting subject to which it relates.

JOHN BASSETT MOORE.

*The French in America during the War of Independence of the United States, 1777-1783.* A translation by Thomas Willing Balch, of *Les Français en Amérique pendant la Guerre de l'Indépendance des États-Unis*, par THOMAS BALCH. (Philadelphia: Porter and Coates. 1891, 1895. Two vols., pp. xv, 243,

iv, 252. Vol. II. translated by Edwin Swift Balch and Elise Willing Balch.)

MR. THOMAS BALCH, whose wide acquaintance with the French language and literature gave him the necessary equipment for an historical study of this character, began some thirty years ago an examination of the documents relating to the French expeditions during our Revolution. A long residence in France, where his social relations opened exceptional opportunities, enabled him to collect the material from which has issued the book now before us.

Mr. Balch published the first volume of his work in the French language, at Paris, in the year 1872, at which time he promised soon to follow it with the second volume, the manuscript of which was then finished. He announced that he had received whilst his book was in the press so many interesting communications which he desired to add to the second volume, that he found himself obliged to withhold the latter for a limited time, in order that the text might be amended and improved. He did not live, however, to carry out his purpose.

The first volume was translated into English and published at Philadelphia, by his son, Mr. Thomas Willing Balch, in 1891; and now we have a new edition, published also at Philadelphia, to which the second volume has been added, from a translation of their father's original manuscript, by Mr. Edwin Swift Balch and Miss Elise Willing Balch.

The purpose of the author was, to present in his first volume the causes and the origin of the war, to sum up the events relating to it which occurred up to and including the year 1781, and to give a complete account of the French forces under General de Rochambeau as far as 1783. His second volume was intended to contain historical accounts of the French regiments which served in America; biographical notices of the French officers who fought on land and sea for the independence of the United States; and several episodes and details relating to American society at that period, taken from unpublished manuscripts and original letters to which Mr. Balch had access in France.

As a result, he has collected a mass of valuable material pertaining to his subject which heretofore has been scattered through the pages of various memoirs, biographical notices, and unpublished correspondence, and he has made of it a connected narrative which contains more detailed information in regard especially to the detachment of Rochambeau than is to be found in any single work which we possess. He has been particularly fortunate in obtaining copies of some unpublished journals of officers who served in the American War, and in examining others which he did not copy; and it is to be regretted that he has not edited and published some of these documents as a valuable addition to our fund of historical detail of that period. Students of American history would welcome such a contribution if either of the Messrs. Balch or Miss Elise Balch should undertake that task with the aid of their father's papers.

L

The opening chapters of Mr. Balch's work suggest a foreign rather than an American audience. As it was published in French, to be read by Frenchmen, it furnishes, not unreasonably, an amount of early colonial history which he would probably not have thought it necessary to introduce if he had intended his volumes merely for his own countrymen.

From the author's discussion of the causes of the war, a foreigner unfamiliar with the subject of the American Revolution might receive somewhat too strongly the impression that the contest with the mother-country was based mainly upon questions of religious thought and principle. Taken in its proper meaning, however, the author's argument that the development of freedom in religious thought prepared the way naturally for the growth of political liberty, presents the situation as it was and will meet with the assent of students of philosophy.

In tracing the causes which led to the participation of France in the American Revolution, Mr. Balch points out very justly that it was hatred of England, the smarting of unhealed wounds received in the Seven Years' War, rather than a natural sympathy with the colonists in their uprising against the sovereign, which arrayed our allies upon our side in the conflict. He recalls the prophecy of the Duc de Choiseul, years before the Declaration of Independence, that an American revolution certainly would come, though possibly those then living might not see it; and that its force would reduce England to a state of weakness in which she would no longer be an object of fear. This remarkable prediction of the minister of Louis XV. expressed the most cherished hope of all Frenchmen; it marked the starting-point of the interest which the government of France took in the struggle of the remote colonies upon the continent of North America. The thought that England might be made to suffer the loss of prestige, the privation of her colonies, and the humiliation of defeat which she had inflicted upon her neighbors across the Channel, inspired the nation with a feeling that, for such a triumph, no sacrifice could be too great. This led to the secret missions of Bonvouloir and de Kalb to test the colonial sentiment upon the first intimation of discontent in America; it opened the doors in France, later, to Silas Deane, when actual hostilities had broken forth; and it welcomed Benjamin Franklin, to clothe him with honor as the representative of an independent and sovereign people.

Mr. Balch has followed these incidents with fidelity, and with sufficient detail to illustrate his narrative, through the various stages of international friendship which ended in the Alliance, offensive and defensive, in 1778. He has gone somewhat too far, however, in declaring that the treaty upon which the Alliance was based "should be attributed in a great degree to the impulse that La Fayette had given to public opinion in France, and to the change of ideas that had been produced in men's minds in consequence of his favorable reports respecting the Americans." This was believed for a long period, indeed, even in France; though the fact is that the influence which La Fayette exerted in the councils of the King's Cabinet, and which had so potent an effect upon the subsequent policy of the Comte de Ver-

gennes, was not felt at all as early as the beginning of the year 1778, when the treaty was signed. We know now that the intervention of France in the American War would have taken place at all events, precisely as it did, if La Fayette had never existed. But it is fair to say that the publication by the French government of the documents in its archives relating to this subject, by means of which we are enabled to make this positive assertion, has taken place since Mr. Balch wrote his book.

It is in connection with the narrative which describes the expedition sent from France under the Comte de Rochambeau, in 1780, that Mr. Balch has presented the most valuable historical material in his book. He has not only followed that detachment through all its movements, down to the capture of Yorktown, but he has made a careful record of the different regiments which composed it, of the officers who commanded in them, and of the rank held respectively by these. He has also enumerated the ships of war which made up the fleet accompanying Rochambeau's expedition, and has given us the number of guns which each carried, as well as the names of the commanding officers. From this point of view *The French in America* is sure to become a useful hand-book to students of history who seek detailed information in regard especially to the military operations in the United States during the years 1780 and 1781. It would have added greatly to the value of the work if Mr. Balch had written in the same manner an account of the expedition of the Comte d'Estaing, engaged in the operations at Newport in 1778, which he barely mentions.

Mr. Balch's second volume is a catalogue of French officers. It bears unmistakable traces of industry and much careful research in the collection of names and in the short biographical descriptions attached to them, of which its pages are made up. The author has sought to include in it every French officer whose name he found mentioned in the many different narratives and notices of the war which have appeared not only in France but elsewhere. He does not confine himself in this case to the command of General de Rochambeau, but he has added, besides the name of the Comte d'Estaing, those of many Frenchmen who, like La Fayette, were serving in the Continental Army as American officers under commissions from Congress; and he has even opened the lines to admit several foreigners who are not properly to be found under the heading given to his list; as, for example, Pulaski, Steuben, and Kosciuszko.

CHARLEMAGNE TOWER, JR.

*Cases on Constitutional Law, with notes.* By JAMES BRADLEY THAYER, LL. D., Weld Professor of Law at Harvard University. (Cambridge: Charles W. Sever. 1894, 1895. Two vols., pp. lii, 2434.)

THE increasing attention which is being given in all our American law schools to the study of cases actually decided in court has given birth to a new species of legal literature. The process has been one of evolution.

At first, volumes were printed consisting only of a selection of decided cases on particular topics, with nothing to indicate the points determined in each, which could serve to connect one with another. Such compilations were valueless, except for the use of law students in connection with lectures, or other recitations. The more modern method is to introduce each case or group of cases with some general explanation of its subject, and perhaps to preface each with a brief syllabus of its contents.

In Professor Thayer's *Cases on Constitutional Law*, this intercalated matter occupies a considerable part of the work, and gives it a distinctive character. It has been his aim to lead the student to a consideration of the causes of things, and the circumstances out of which the leading decisions, which he gives, grew and took shape. His subject naturally directed his attention particularly to the various determinations of the Supreme Court of the United States upon controverted questions of a public nature, and also to the manner in which the disputed terms, whose meaning they have been called upon to declare, came into the text of the Constitution. The character of the book, therefore, is largely historical.

Every judicial decision of a court of last resort is, in a sense, part of the history of the community in which it sits to administer justice. It is a step in the development of its jurisprudence, and so of its institutions. But where the tribunal is called upon to pronounce upon questions of public government and fundamental law, its words become so distinctly of historical importance that any competent review of such decisions is necessarily a substantial contribution to the better knowledge of the politics of the times.

Professor Thayer has not limited the cases, to which he introduces the student, to those found in the ordinary volumes of judicial reports. One of those, for instance, to which he gives a well-merited prominence is that of *Winthrop v. Lechemere*, the materials being gathered mainly from the Collections of the Connecticut and Massachusetts Historical Societies. Connecticut, it will be recollected, by an early statute discarded the English system of primogeniture and provided for the distribution of estates, where no will was left, among all the children of the decedent, reserving to the eldest son only a double portion, in accordance with the Mosaic law. Chief Justice Winthrop of Massachusetts, a large landowner in Connecticut, died intestate early in the last century, and his eldest son claimed the succession by right of English law. The Superior Court of Connecticut pronounced against his claim, and the General Assembly, when appealed to for relief, declined to interfere. Winthrop threatened to bring the matter before the King in Council, and was at once arrested for contempt. He was as good as his word, however, and his appeal was soon brought before the Lords of the Committee for hearing Appeals from the Plantations, by whose decree the colonial statute was pronounced unwarranted by charter and contrary to the laws of England. In the late Mr. Coxe's learned treatise on the Judicial Power, he treats the royal decree, confirming or announcing this decision, as in substance a repeal of



the statute ; but Professor Thayer points out that it was rather, as Winthrop afterwards contended, only an adjudication that the statute was never law, because contrary to the fundamental law of the realm.

The second chapter, on the American fashion of making and altering constitutions, is one of particular value. The origin of the plan of providing for necessary amendments, not by a special convention of the sovereign people, as was the original method, but by a *referendum*, at the instance of the legislature, Professor Thayer concurs with Borgeaud, in his *L'Établissement et la Révision des Constitutions aux États-Unis d'Amérique*, in attributing to the Connecticut Constitution of 1818. The colony of Connecticut, however, may fairly claim to have put this mode of procedure into form, and into practical use, a century and a half before. Its Eleven Fundamental Orders of 1638-1639 were in effect a constitution. They forbade the immediate re-election of the governor for a second term. In consequence of this, it became the custom to elect the governor of one year to be the deputy governor for the next, and *vice versa*. As the first term of Gov. John Winthrop, Jr., however, neared its close, the General Assembly proposed to the freemen of the colony to remove this restriction on re-eligibility, and ordered the secretary to insert the proposition in his next warrant for the choice of representatives, and to call for a popular vote upon it. This was accordingly had, and resulted in carrying the amendment, restoring for the future a "liberty of free choice yearly."<sup>1</sup>

The *Dred Scott* case is made the subject of a very interesting note, in which the statements of Justices Campbell and Nelson, in regard to the points really decided, are contrasted with those made by the late George Ticknor Curtis, in his life of his brother, Justice Curtis ; and the position is taken that the opinion delivered by Chief Justice Taney, in which was contained the much misquoted phrase as to the general opinion in the past on the part of the civilized world, as expressed by their conduct, that negroes had no rights that white men were bound to respect, was in fact the opinion of the chief justice alone, and not of the court.

The topic of Eminent Domain is treated in the sixth chapter with great fulness and learning. Grotius had declared that while the sovereign power could use or destroy any private property for purposes of public utility, it was bound to make good the owner's loss. Bynkershoek was inclined to make the rule of compensation broad enough to include all losses suffered by private individuals for the public good. Our American constitutions first gave a legal sanction, where there had before been simply moral limitations.

But for such a legal sanction, a statute seizing upon private property for public use, and making no provision for compensation, could, Professor Thayer holds, afford no ground for the interposition of the courts. But what is public use? Is it the service of public pleasure? Must, he asks, quoting from Bynkershoek, a subject submit to the loss of his property for

<sup>1</sup> *Papers of the New Haven Colony Historical Society*, Vol. V., p. 182.



the æsthetic gratification of the people or for public decoration, alone? The case of *Kingman v. Brockton*, 153 Mass. Rep. 256, is cited in favor of an affirmative answer, provided public and not private gain is the real motive for the appropriation.

Chapter VII., in which Taxation is discussed, takes up the vexed question of the meaning of "direct tax" in American constitutional law. The author agrees with Professor Dunbar, from whom he quotes at length, in holding that we derived the term from the French economists of the last century. Its coming from that source was touched upon by Alexander Hamilton, in his brief in the famous carriage-tax case of *Hylton v. the United States*, in 1796. The "physiocrats" of the French school, whose principles formed the basis of the French Revolution, held that agriculture was the only productive employment. The net products of land, in other words, constituted the only fund from which taxes could be drawn, without impoverishing society. Taxes laid on land, therefore, struck directly to the source of supply. If other taxes were laid on other subjects or on other occupations than those of the farmer, they all ultimately fell back on the landowner. Quesnay, Mercier de la Rivière, Turgot, and Condorcet were never weary of preaching these doctrines. Their distinction between direct and indirect taxation was in the directness or indirectness of the incidence of the tax on a single class of persons. Did it touch the landowner, as such, directly? It was a direct tax. Did it touch anything else first? It was an indirect tax.

The physiocrats were not exactly agreed as to what tax was in the strictest sense direct. There were those who denied that any tax on persons was such. Others contended, with more reason, that if a person was taxed *qua* landowner, or land-worker, the burden was properly termed a direct one. Turgot put it thus, in speaking of forms of taxation: —

"Il n'y en a que trois possibles: —

"La directe sur les fonds.

"La directe sur les personnes, qui devient un impôt sur l'exploitation.

"L'imposition indirecte, ou sur les consommations."

"And in the fragment which we have of his *Comparaison de l'Impôt sur le Revenu des Propriétaires et de l'Impôt sur les Consommations*, a memoir prepared for the use of Franklin, a careful analysis of the same purport is made, although the point of formal classification is not reached. Of all writers upon economics in 1787, Turgot was perhaps the one most likely to have the ear of American readers; and, of Americans, Gouverneur Morris and James Wilson were as likely as any to give him their attention. The former had already formed that familiar acquaintance with French literature and politics which made his singular career in Paris possible a few years later, and Wilson had been from 1779 to 1783 accredited as advocate-general of the French nation in the United States. There was, then, an easy and a probable French source for the meaning which they both attached to the phrase introduced by Morris.

"It is to be observed, also, that there were some well-known precedents for levying by apportionment such taxes as those which Morris and Wilson probably had in mind. The French *taille réelle*, a tax on the income of

real property, was laid by apportioning a fixed sum among the provinces and requiring from each its quota, as has been the practice in levying its substitute, the *impôt foncier*, ever since 1790. The *capitation* was also levied in France, before the Revolution, in the same manner. The English land tax, established under William III., had for ninety years presented an example of apportionment among counties and other subdivisions, leaving the rate for each locality to be settled at the point necessary to give the due quota. Other contemporary examples could easily be cited, but these are enough for the present purpose, being necessarily familiar in this country in 1787, and likely to have a strong influence."

We have quoted this passage at length (originally found in Professor Dunbar's article on the "Direct Tax of 1861," published in 1889, *Quart. Jour. Econ.*, III. 436), on account of the strong light which it throws on the discussion regarding the constitutionality of the recent income tax law. From the opinion given by Chief Justice Fuller, in the case involving that question, and deciding it adversely to the government, it would appear that the Supreme Court of the United States took a different view from that of Professors Dunbar and Thayer, and attributed the origin of the term to English soil. The validity of the tax really depended on this question of the historical derivation of a term of political economy. Nothing can illustrate more forcibly the close relations between law and history, amounting often to absolute dependence. Nothing can point more clearly to the necessity of studying law from the historical standpoint, and by historical methods.

Professor Thayer's work, aside from the selection of the cases to be printed, which is made with care and discrimination, is largely, we are almost inclined to say too largely, a mere compilation of authorities. His collection of *Cases on Evidence* was enriched by numerous discussions of the subject in hand from his own pen, many of them taken from occasional articles which he had previously contributed to the *Harvard Law Review*. In the present work, this plan is occasionally, but rarely, followed. Had the book contained more original matter, its value to the student would have been much enhanced. It has now almost too much of a judicial tone. The claims on either side of a disputed question are fairly stated, in case or comment, but then the cause is generally left to the determination of the reader, as if he were to render the verdict, unaided by the opinion of the author. He styles himself, indeed, in his notes, as simply an editor. The conditions of his task, writing as he did as a law teacher for law students, perhaps necessarily imposed a certain reserve. The general reader can only regret that the scope of the work did not permit it to disclose more of the author himself. Whatever Professor Thayer says is well said, and few know as well the full uses of the lessons of history.

SIMEON E. BALDWIN.

*The American Congress: a History of National Legislation and Political Events, 1774-1895.* By JOSEPH WEST MOORE. (New York: Harper and Brothers. 1895. Pp. xii, 581.)

It is Mr. Moore's purpose, he tells us, "to give, in a concise and popular form, a clear, interesting, and valuable account of the legislative and political affairs of the American people, from the colonial period to the present time." By this he means, of course, to describe only national legislation; with an occasional side glance at local politics in so far only as they are closely related to those of the nation. And he specially informs us that, as the work is intended for the general reader, he has thought proper "to give greater attention to the narration and discussion of events than to their philosophy," although we do not understand why there could not have been a judicious combination of both methods of treatment without lessening the usefulness of the work.

The task Mr. Moore has set himself is a great one, and he has accomplished it, for the most part, in a clear and not uninteresting manner, but of its value we must speak reservedly. There is so much to be said about Congress and its doings, that, if one wishes to confine his narrative to a single volume, however large, he can ill afford to give even a page to the history of the discovery and settlement of North America. Yet Mr. Moore begins at the beginning, and then follows on with a hasty and incomplete review of early colonial, and the Albany and Stamp Act Congresses. Not until he reaches the Continental Congress does the main work really commence, and from that time on he discusses events in a sort of chronological order down to the present day. Some of the chief acts of the Revolutionary Congress are noted, and the pages are here and there enlivened by character sketches of some of the more famous members, by descriptions of the towns and buildings in which they met, and of such events as the appointment of Washington to command of the army, and his resignation at Annapolis. A whole chapter, and rightly, is given to narrating the discussion over the adoption of the Declaration of Independence. But the 3d and 4th of July were by no means entirely given up to the Declaration as Mr. Moore says (page 62), for the British were far too active in the vicinity of New York to permit even the Declaration to draw attention from the inadequacy of the army. And there is no longer any doubt that when Jefferson wrote that the Declaration was signed on the 4th "by every member present, except Mr. Dickinson," his memory played him a trick. Far better would it have been to omit some of the petty details and anecdotes which Mr. Moore includes and give instead some idea of how the Declaration was understood by the people, or explain to a present-day audience the meaning of the counts in the indictment against the king.

Much less satisfactory is the treatment of the debates on the Articles of Confederation. No mention is made of Franklin's draught, and to say that the Articles were discussed from April, 1777, on, "whenever there

were no war measures pending," is a careless form of statement, to say the least. But other omissions are far more serious. We are not told how the members voted; nor anything of their other methods of procedure; nor what they were empowered to do by the conventions or legislatures which sent them; nor how, placed at the head of American affairs, they gradually assumed a control over the military operations of all the colonies, and soon came to exercise an authority that many of them had certainly never dreamed of. We learn nothing from these pages of the assumption of sovereign jurisdiction: of the absolute regulation of foreign affairs, of the disarming of Tories, of the issuance of letters of marque and reprisal, of the opening of the ports to trade, and so on through the list. Mention is made, it is true, of the emission of bills of credit, but not a word is given to its importance as a sovereign act, nor much of a satisfying nature concerning the extensive financial difficulties and disorders. It is thus impossible, from a perusal of these earlier chapters, to trace the steps by which a perfected constitution was, in the end, made necessary.

We have dwelt thus long on that portion of the book devoted to the Continental Congress because it serves as well as any other to illustrate its shortcomings; for the remainder is almost of a piece with this. Much is said of the United States Bank, and of slavery, and the tariff, but they are most inadequately treated, and we find no just conception of their influence in shaping political parties. The best portions of the book are those which deal with what might be called the picturesque side of Congress, and the last chapter, which tells of "present methods."

HERBERT FRIEDENWALD.

*Life of General Thomas Pinckney.* By his grandson, Rev. CHARLES COTESWORTH PINCKNEY, D.D., President of the South Carolina Historical Society. (Boston and New York: Houghton, Mifflin and Company. 1895. Pp. 237.)

THOMAS PINCKNEY was, unless we except his brother Charles Cotesworth Pinckney, the most distinguished member of a family which has always held a prominent place in South Carolina. He was born in 1750, and his death in 1828 closed a career characterized by ability, discretion, and a high ideal of political duty. He served as an officer in the Revolution, and as a general in the War of 1812. He was governor of South Carolina from 1787 to 1789, and presided over the convention which ratified the Federal Constitution. He was, for four years, American minister to Great Britain, was the Federalist candidate for Vice-President in 1796, and served two terms as a member of Congress. He also performed the important and delicate task of negotiating the treaty of 1795 with Spain. The brief biography by his grandson gives an intelligent account of Mr. Pinckney's public services, and a pleasing picture of his private life. In general, the volume follows the beaten track,—except

in its lack of an index,—and the extracts from family correspondence and papers do not add materially to our knowledge of the period. Too much attention is given to episodes in which Mr. Pinckney took no part, such as the mission of his brother to France in 1797, while no reference is made to those phases of state politics upon which his career might be expected to throw some light, as, for example, the important problem of the history of the Federalist party in South Carolina. An unpleasant feature of the book is the frequent reference to the Civil War and the note of contrast between North and South. If it is too soon to expect an unprejudiced attitude toward recent events, we may at least demand that our early history be approached without partisan or sectional bias.

CHARLES H. HASKINS.

*Chronicles of Border Warfare; or, a History of the Settlement by the Whites of Northwestern Virginia and of the Indian Wars and Massacres in that Section of the State, with Reflections, Anecdotes, &c.* By ALEXANDER SCOTT WITHERS. A new edition, edited and annotated by Reuben Gold Thwaites, Secretary of the Wisconsin Historical Society. With the addition of a Memoir of the Author and several Illustrative Notes by the late Lyman Copeland Draper. (Cincinnati: The Robert Clarke Company. 1895. Pp. xx, 447.)

Nor only the people of the Mississippi valley, but all of our historians who take an interest in the growth of the American people, westward, are under a debt of gratitude to the Robert Clarke Company, of Cincinnati, for their long series of publications on Western history. Some of these publications have represented original work and research put into the form of a monograph of some Western hero, or of an exhaustive treatise on some event of special importance in early Western history. In other cases, the book has been the reproduction of some valuable old publication, which is out of print, and accessible to very few scholars. The book before us comes under the latter head.

Withers' *Chronicles* is one of the number of books which have a great value because they preserve the traditions of the border about the Indian fighting of the second half of the eighteenth century in the West. They tell what the settlers themselves thought of the deeds done by the rough backwoodsman of the Alleghanys and the Upper Ohio in the ceaseless warfare of the white man against the red; they contain valuable side-lights on the ways of life and the habits of thought of the backwoodsmen; but, as a record of facts, each of them must be used with extreme caution.

Withers, like De Haas and Doddridge, both of whom covered much of the ground that he did, gathered some of his material from the pioneers themselves in their old age; but more often he adopted what the children of the pioneers told him, or what their successors reported as having been

done. Thus, what he relied on was really little more than family or local tradition. All these compilers quote one another without giving any credit for their quotations; so that the mere fact that they all tell a certain story does not make the story true. It is now quite impossible to say exactly which of their stories are true and which are false. Some of the more striking incidents, however, were undoubtedly preserved by tradition in the shape in which they occurred. Other incidents were so altered as to be unrecognizable by any seeker after truth. Yet others were recorded accurately enough as to the essential facts; but with much confusion of names and dates. A good illustration of the latter class is afforded by that account of one of the sieges of Wheeling, reported in all the border annal books, which tells how the garrison got out of powder, and how a girl brought in a supply, under circumstances of considerable heroism. All the traditions agree about this; but the conflicting claims as to who the girl was are absolutely irreconcilable.

Rather curiously these border annalists are more trustworthy when they deal with small events than when they deal with the larger facts of Western history. They know the traditions of their neighborhood well; but in more important matters tradition proves a poor guide. Withers, for instance, can often be trusted as to the circumstances attending the attack on some particular log hut, or the feats of prowess, on some one occasion, of a given backwoodsman. But his account of St. Clair's defeat is valueless, and is followed by what is probably the wildest fabrication to be found in any book of border annals. He states that an expedition of the mounted volunteers of Kentucky avenged St. Clair's defeat by attacking the victorious Indians as they were camped on the scene of the battle, killing two hundred, putting to flight the rest, and recapturing the cannon. No such expedition took place, no such fight was fought, not an Indian was killed, and not a gun captured, as described.

However, in spite of some looseness in matters of fact, the book has great value, and must be consulted by every student of early Western history. Mr. Reuben Gold Thwaites is an ideal editor for such a work; a trained student and scholar,—the two words are not synonymous,—he is one of that band of Western historians, who, during the last decade, have opened an entirely new field of historical study. The editorial work of this edition of the *Chronicles* is excellent throughout.

THEODORE ROOSEVELT.

*A History of the People of the United States, from the Revolution to the Civil War.* By JOHN BACH McMASTER, University of Pennsylvania. In six volumes. Vol. IV. (New York: D. Appleton and Co. 1895. Pp. xiv, 630.)

In this portly volume, Mr. McMaster traverses the nine years extending from the summer of 1812 to the spring of 1821. This scarcely brings the author to the middle mark of his chosen course. If the forty



years prior to 1820 deserve four volumes of Mr. McMaster's study, surely the forty years between 1820 and 1860 deserve more than two. Moreover, if Mr. McMaster so wishes, he may make these latter decades peculiarly his own. In this period his predecessors are few. He has now passed beyond the range of the admirable work of Henry Adams. He has reached the boundary where Hildreth stopped. Beyond his present limit there is no continuous road across the ridges of time save the somewhat rugged path of Schouler and von Holst's aerial route.

Yet there is no period richer in unwrought materials for social history — for a *History of the People* — than these decades between the construction of the Erie Canal, and the struggle over slavery in the territories. Rivulets of Western migration broadened into rivers and bore the fleets of a new commerce. Society was filled with the ferment of new faiths. From Mormonism at one end of the period to Fourierism at the other, there was a constant procession of new Messiahs with new gospels. Industrial development was rapid, and it was revolutionized by the invention of the railway engine and the telegraph. Here, also, the historian must deal with personal forces of unexampled strength and influence, the grandeur of Webster, the high-spirited fervor of Clay, the subtlety of Calhoun, the democracy of Jackson.

Thus far in his work Mr. McMaster has made but little adequate use of the power of personality in shaping history. The fourth volume shows no change in this respect. The reader receives no sufficient explanation of the dominant position of De Witt Clinton in New York politics in 1812, or of his utter ruin shortly after. Madison, Monroe, Adams, Clay, Calhoun, Crawford, appear only as names. They give no impression of life. They are only fixed points, by which march in review whole regiments of facts about banks, currency, tariffs, and foreign relations. Every method of narration has its own virtues and defects. Mr. McMaster loses, perhaps, in impressiveness, in the effect which a more dramatic arrangement would produce, but he gains, possibly, in fidelity and clearness of narrative. His touch grows firm with experience, and the colorless impartiality which he desires is well preserved.

All the good qualities of the author are seen at their best in the chastening story of the second war with England, which fills the first half of this volume. There is little room for novelty, but the recital is skilful. The panorama of the war is steadily unrolled and the crowding events are made to teach their own lesson, but so surely and plainly that the way-faring man, though a fool, may not err therein. Never since the days of Cleon was there a more striking exhibition of the incompatibility between democracy and military efficiency than that afforded by our armies on the Canadian frontier. Soldiers who wouldn't fight were well mated with officers who couldn't,—the senile Dearborn, the braggart Smyth, the knavish Wilkinson, and, above them all, the politician Armstrong. So goes the familiar tale of incompetence on land and of heroism on sea. From the extreme of exasperation the reader is carried to the extreme of



exultation, as he cons once again the exploits of those spiritual kinsmen of Francis Drake and Richard Grenville who swept the Pacific coast with David Porter and struggled under Reid with an overwhelming force of the enemy in the harbor of Fayal.

In treating of the work of the Home Guards during the war, Mr. McMaster is able to draw from newspaper files some interesting items. The rigid blockade during the latter part of the war drove the coasting trade inland, where it was sheltered on wagon-board, and its progress was chronicled in the Federalist press under the caption: "Horse Marine Intelligence." Thus: "Port of Salem. Arrived, the three-horse ship, *Dreadnaught*, Captain David Allen, sixteen days from New York. Spoke in the latitude of Weathersfield, the *Crispin*, Friend Alley master, from New York, bound homeward to Lynn, but detained and waiting trial for breach of the Sabbath." The brightest coruscation of Federalist wit was a parody on Campbell's "Ye Mariners of England," which ran thus:

"Ye wagoners of Freedom, Whose chargers chew the cud,  
Whose wheels have braved a dozen years The gravel and the mud!  
Your glorious hawbucks yoke again To take another jag,  
And scud through the mud, Where the heavy wheels do drag;  
Where the wagon creak is long and low, And the jaded oxen lag.  
Columbia needs no wooden walls, No ships where billows swell,  
Her march is like a terrapin's, Her home is in her shell."

Mr. McMaster passes very abruptly from the war to the piping times of peace that followed. He does not bestow much philosophical generalization upon the chapter of political and international complications that had lasted through a quarter-century. The smoke of the guns of the frigate *Constitution* curls over page 279, and on page 280 he rushes forward towards local politics in the spirit of this introductory passage: "From the long story of battles and sieges and civil strife it is delightful to be able to turn once more to the narration of the triumphs of peace. At last, after a period of five and twenty years, the people of the United States were free to attend to their own concerns in their own way, unmolested by foreign nations." It is difficult to bid such a curt farewell to the great movement of the French Revolution. Its life was not so foreign to our own, nor was our participation in it so mechanical in nature. The Republicanism of 1820 should be traced from the Republicanism of 1793; the ultra-democratic notions of the new West had their genesis before 1800. The Tammany Society and the Jacobin Club sprang from similar social influences, the fires of the Revolution were, in 1812, just beginning to kindle in Spanish America, and the dreams of Burr were not forgotten here. It would be well to emphasize the continuity of these strands of historical influence.

The latter half of the volume is filled with the various affairs of Monroe's first administration,—the tariff of 1816, Jackson's flaming career in Florida and the disputes with Spain, the conditions of banking and the currency, internal improvements, the northeastern fisheries, temperance

and prison reforms, missionary and colonization agitations, and the Maine-Missouri controversy.

In some instances Mr. McMaster has been able to make his topic clearer by a new setting. He has taken a natural interest in demonstrating the causes of New York's commercial success over its rivals on the Delaware and Chesapeake. It is clear that the supremacy of the northern city was won soon after the close of the war, and was not due to the completion of the Erie Canal. It was the reward of the spirit that afterwards made the canal. In 1818, already had the more sluggish mercantile community of Philadelphia lost the prize that might have fallen to it. Western traders were obliged to pay in advance the freight dues from Philadelphia to Pittsburgh. New York dealers collected freight dues when the goods were delivered, and charged one dollar and a half less per hundredweight than their Quaker brethren. Philadelphia merchants would not guarantee against damage to goods on the way. New York shippers took the risk of damages incurred before the delivery of the goods.

Some of the most interesting pages in the book are those that deal with the origins and expansion of public charitable and missionary organizations. Reports of the pioneer home missionaries of the West and South are used in an interesting way. Incidentally the wonderful prosperity of the Methodist Church in this country is luminously explained.

"Wherever they went they found great tracts of country inhabited by from twenty to fifty thousand people, in which there was not a preacher of any sect. Where there were any they were almost invariably Methodists. The discipline of the Methodists was especially well suited to the state of the West. Population was scattered. The people were poor, and not at all inclined to form societies and incur the expenses of maintaining a settled minister. A sect, therefore, which marked out the region into circuits, put a rider on each and bade him cover it once a month, preaching here to-day and there to-morrow, but returning at regular intervals to each community, provided the largest amount of religious teaching and preaching at the least expense. This was precisely what the Methodists did, and this was precisely what the people desired."

The map, opposite page 50, illustrating the Canadian campaigns, is inadequate, and the map on page 165, showing the scene of the Creek war, is not uniform with the surrounding text in its spelling of Indian names.

CHARLES H. LEVERMORE.

*The Life of Samuel J. Tilden.* By JOHN BIGELOW, LL.D. (New York: Harper and Brothers. 1895. Two vols., pp. vii, 415, v, 412.)

EVERY student of politics or political history, every one who believes that political ideals and institutions practically and enormously affect the welfare of men, will find these volumes interesting — very interesting. To this praise, — the first and usually the chief praise craved by an author, —

Mr. Bigelow's biography is well entitled. Adverse testimony, perhaps naturally enough, is not set very fully and frankly before the reader; but the material is sufficiently given for tolerably just estimate of a political career of high rank. There are tedious and apparently useless genealogical data, some prolix details, which one can imagine without reading, and cannot read without nausea, of communications made to a conspicuous politician by male and female adventurers because he happened to be rich and to be a bachelor,—some anecdotes of unrelated persons and things, gravely put into the biography because they were told at dinner table when Tilden was present and may, therefore, have heard them. But if the book be read with judicious skipping, as Dr. Johnson intimated that every book should be read, the narrative will be found as lively as it is valuable and instructive.

The distinguished and venerable author, to whom American letters and public life are under many and solid obligations, intentionally and fairly lets the reader perceive that he labors under the limitations of a family biographer, who must turn his subject into something of a lay figure, lest his flesh-and-blood reality undo the dignity and perfection conventionally suited to a hero. Mr. Bigelow was a most intimate friend. Except during the war and last years of the slavery agitation, he was himself a zealous and important associate of Tilden, and thoroughly devoted to his political philosophy. He argues, therefore, like an advocate, leaving one in some perplexity to understand the inadequacy of popular esteem, or even the widespread distrust, from which, during several years before his absolute retirement in 1884, so really great and patriotic a man suffered. It is, no doubt, due to the pressure upon Mr. Bigelow's time and strength, that the editing or proof-reading of his work is imperfect; that long documents are thrust bodily into the narrative instead of their substance being made a part of it; that names are occasionally disguised,—as Benjamin *Stillman* for Benjamin *Silliman*, C. A. *Rapalle* for C. A. *Rapallo*, Anthony L. *Robinson* for Anthony L. *Robertson*; that dates are misprinted to the perplexity of readers in the next generation, as 1883 for 1893 as the year of the repeal of the Sherman silver law; that obvious exaggerations have been retained, like the assertion that Polk, who had been sixteen years in Congress, four years speaker of the national House, and governor of Tennessee, had probably, when nominated for the presidency, never been heard of by a hundred Democrats in New York.

Some of the disparagements of Tilden's political associates seem quite out of place. The depreciation of Seymour and President Cleveland are without justification in any facts which Mr. Bigelow narrates or in anything which, so far as he tells us, was said or written by Tilden. They apparently represent rather the personal dislikes of the biographer than the opinions of his subject. Whatever one may think of Horatio Seymour's political views, it is plain that Tilden shared them. The exaltation and beauty of his character, his self-sacrificing, generous, steadfast,

and active, although sometimes futile, devotion to the best kind of public service during years when, for sincere Democrats at least, American politics were in deep gloom,—and especially his support of Tilden's cause with his own unrivalled personal popularity in the Democratic party,—ought to have protected his memory, in this book at least, from slurs which, so far as concerns the biography, are gratuitous and irrelevant.

More striking illustration of this fault is seen in the elaborate indictment of Mr. Cleveland, to which its latter part is dedicated and which even seems, full of zest and measurably near to rancor as it is, to have spurred the author to his publication of the biography. He accuses the President, after his first election, of disrespectful neglect of Tilden's advice. No proof is given that Tilden shared the feeling; and the criticisms do not help his fame. The President did not, it is true, during Tilden's life, exhibit in high degree a faculty which has belonged to most great rulers, which is often a chief element of political power, as in the careers of William III. and Abraham Lincoln, and which Tilden himself used with large effect. The President had perhaps, in some cases, failed to bring into close official or personal relations with himself, or to be at ease and in confidence with Democrats of high talents and public services who enjoyed popular affection and respect, or to fully avail himself of the legitimate political strength which would have followed from open, tactful, and sincere friendship with such men. A great man becomes greater by this art. Washington's relations with Hamilton, Jefferson's with Madison, and, even better, Madison's and Monroe's with Jefferson, and Lincoln's with Seward, were fine examples. It is wise for a man in high station to co-ordinate the political help, brought by men of original powers and individual will and self-assertion, into efficient harmony with his own purposes, and to endure, or even to invite and welcome, the inconveniences sometimes incident to such comradeship. Whether the President had or had not, during Tilden's life, acquired much of this gift, it is certain that Mr. Bigelow's specifications of affront to Tilden are utterly inadequate. Mr. Cleveland was himself President; it would have been a false and absurd notion of gratitude and deference which could have led him to forget that he must follow his own conscience and will, and not those of Tilden or of any other sage or patriot. This would have been true if, in the winter and spring of 1884-1885, Tilden had been as robust as Jefferson was when he retired to Monticello, having before him an important and almost a fourth part of his career. But that a valetudinarian, within eighteen months of his death, feeble, broken, communicating with the world with extreme difficulty, should dominate any president, and, least of all, one like Mr. Cleveland, would have been a public calamity. Mr. Bigelow permits us to know that men in close personal relation to Tilden were keenly desirous of appointment by the new president. It would probably have been wise to gratify some of them, for there was genuine ability among them. It would have been folly, how-

ever, to establish at Graystone a kitchen cabinet to undermine the responsible cabinet at Washington. If Tilden's last years were years of pique and chagrin, — and we do not believe they were, — it was of no service to his fame, which the biographer has meant to guard, to exhibit the fact.

Samuel J. Tilden was a politician of the very first order. In this life-long invalid, whose physiognomy and bearing, and much of whose career, were like those of the shrewd, persistent, cautious, money-getting, unattractive solicitor in chancery of the English novel, were united that powerful adherence to political ideals, that noble gift of political imagination, that ability in organization, and that practical mastery of details which belonged to Richelieu, Strafford, Walpole, the elder Pitt, and Alexander Hamilton, and which, in their greatest splendor, were visible in the career of that politician who fell in blood at the foot of Pompey's statue. But the ideas of this sober and unheroic American were as patriotic and beneficent as those of Hampden or Franklin. Love of popular rights, jealousy, and even hatred of monopolies and special privileges, optimist confidence in the ultimate success of political virtue and wisdom among the plain masses of men, — all these, which the intellectual dominance of Jefferson, at the end of the last century, had established as the very atmosphere of American public life, were Tilden's controlling inspiration. When hardly more than a boy he enjoyed the friendship of Van Buren, and accepted this cult from that able teacher. Physical ailments, from which he never really recovered, long detained him from active life; but meantime the rustic affluence of his father secured him leisurely and ample book education. Long before he was ready to practise law, and even before he was of age, he was reasoning soundly and deeply in finance and politics, and exhibiting a singular clearness and accurate thoroughness of statement. Indeed, between the address which he wrote for a county convention in 1833, when he was nineteen years old, or his speech in 1840 on "Currency, Prices, and Wages" in defence of Van Buren's Independent Treasury, which was justly pronounced, at the time, a "most masterly production," — and his messages from Albany in 1875 and 1876, the casual reader will find little difference in maturity of expression or general trend of thought. The doctrines of strict construction of federal powers, of divorce of government from business, whether to promote or to restrain, of personal freedom, of plain economy in administration, of the dependence of currency solely upon its intrinsic and exchangeable value without legislation, — these were never better, never more sincerely stated. Tilden must be counted among the first of American political essayists. He saw straight; he detested vagaries and demagoguery; he wrote distinctly what he meant. Though he polished his sentences with infinite assiduity, it was to the end of perspicacity and correctness rather than of grace.

Tilden helped on the victory which Van Buren and Wright, after painful hesitation, gave Polk, in 1844. The Democratic soundness on finan-

M

cial questions, and the present ease and future hope which "regularity" permitted, were more powerful than the dread that the party might, in flagrant violation of its own theory and traditions, be prostituted to the extension of slavery by federal power. But the continued and imperious dictation of the slave interest, the specific danger of slavery establishment in the territory acquired from Mexico, Polk's proscriptive behavior, and the defeat of Wright for governor in 1846, had, by 1848, given provocation impossible to endure. Tilden was a genuine power in the revolt. With Wilmot and Chase and Van Buren he promised to "fight on and fight ever" for Free Labor and Free Men, and joined in the undaunted cry, "No more slave states, and no more slave territory." The practical work of the Democratic rebels in New York was well done; their votes in November, 1848, exceeded those of the "regular" Democracy. Then followed the futile and ignominious "harmony" of 1852 and 1856. The dread of a divided Union constrained Jackson Democrats as much as it did Webster and Clay Whigs. The prophetic and correct belief that the sheerly sectional character of the Republican party must bring on that division or a fearful and uncertain war, and the hope that Divine Providence would, through economic conditions, and without their help or martyrdom, find a way to resist the extension of slavery, brought Tilden and his associates to a discontented submission.

From 1848 to 1871, he gave much intelligent and honest service to politics. But until the Civil War the fury of the slavery controversy left a Democrat of his ideas and training no satisfactory place. So he kept his law office and made money. During the war and reconstruction periods he could be more useful; and he well discharged the duties of that loyal and constitutional opposition which in most national crises is essential to public safety. He attended assiduously to the formal and detail work of organization; he served as chairman of committees, he drafted papers. Until 1871, however, politics was no more than an avocation. His vocation was law, in which he acquired, perhaps, the largest fortune ever earned in the art. Although he had no forensic grace or aptitude, he was a very able lawyer. It was his power of analysis, his astute and thorough preparation, and not eloquence, which won his cases. But his fortune was not earned in court or in routine work of a law office. In the only examples Mr. Bigelow gives of his professional bills the charges for separate services range from \$10 to \$50. But such charges do not explain the accumulation of a fortune of \$5,000,000. And Tilden was rightly angry at Lieutenant-Governor Dorsheimer for saying that he had made his money by "speculation." A clear explanation would have been a real service to his fame among the masses, to whom such an accumulation by a lawyer seems wonderful or even sinister. It would have been well to amplify the account of his money-getting which Mr. Carter gave in his noble sketch. The foundation of the fortune lay in the great fees (often received in securities, the value of which depended upon the success of the work) which the owners of various and conflicting securities



of railroads justly and gladly paid for services which helped bring order from chaos, for astute invention of a common interest for warring parties, and for the rescue of the true value of what had seemed valueless. Tilden stood resolutely for the genuine honor of the bar; and his wealth did not overcome his courage. When under the Tweed ring, most powerful judges in New York were corrupt, tyrannical, and audacious, he openly declared the shame of his calling, if it were "to become merely a mode of making money, making it in the most convenient way possible, but making it at all hazards." If the bar "were to be merely an institution that seeks to win causes and win them by back-door access to the judiciary, then," he said, "it is not only degraded, but it is corrupt." Nor were these only words; they did not go beyond the practical service to the profession which he soon rendered.

Tilden's political work during the four years after the municipal uprising in New York in 1871, placed him among illustrious Americans. Its courage, thoroughness, and skill can hardly be exaggerated. His preliminary and sudden capture of the comptroller's office, which was the very citadel of the political thieves and ruffians of New York; his demonstration of the precise method of the monstrous robberies from the city treasury, and the criminal convictions his demonstration procured; his self-sacrificing exile to Albany as a member of the lower house of the legislature, and his promotion there of the impeachment of the judges; his warfare upon the canal ring of New York; his constructive energy in legislation; his overwhelming indictment of wrong-doing under Grant's administration; his far-seeing and firm, but popular and convincing treatment of financial questions,—all this extraordinary work has never been surpassed in American politics. It was a serious calamity for the United States that, in spite of its emphatic choice, it should have been cheated of such service by a master of his rank for another four years, and those in the White House. It is to this school that young American politicians, who would practise their art with skill, but with honor and love of country, should come for their lessons; among its traditions they should dream their dreams.

Mr. Bigelow has wisely set out the confession officially made by Tilden's political adversaries at Washington and in the United States Attorney's office in New York, after legal delays were exhausted, that the attack upon him for supposed failure to pay his income tax many years before, was an election device, unfounded in law or justice. The confession shames every American who would have public life decent. The business of the "cipher despatches," though occupying a considerable part of the biography, is treated neither clearly nor satisfactorily. Bitter complaint of the disclosure of private telegrams, or of the concealment of telegrams which would have implicated the Hayes managers, is not a happy note for Tilden's defender. We are not now interested in the virtue of other people or in the manner, right or wrong, in which the documentary evidence was obtained; we are concerned only with what that



evidence means for Tilden. It would have been better to have given the adverse testimony succinctly and fairly. The crimes in Louisiana and Florida, which reversed the verdict of the ballot box, and the debauchery which their success brought to American politics, would have been no less clear; and Tilden's own and perfectly sufficient refutation would have been better understood. Pelton and other Democratic agents at the South were, no doubt, sorely tempted to entertain hospitably the idea of fighting the devil of crime rampant in the returning boards with the fire of \$1000 notes. The folly of any "dalliance" was greater than the temptation. It brought undeserved bitterness and darkness to the last years of the statesman.

The imputations made by Mr. Bigelow upon the wisdom of Senators Thurman and Bayard, and of Abram S. Hewitt, and even upon the good faith of the senators, for their part in the surrender by the House of Representatives to the Electoral Commission of the former's share of the power to determine what votes must be counted, are unjustified by any facts he gives or which are generally known. The Democrats in Congress had before them a cruelly doubtful and anxious question. Tilden himself procrastinated and shrank from responsibility. His plan is said by the biographer to have been to rest upon the constitutional provision that if, when the electoral votes were counted, no person should have a majority, the House must immediately, voting by states, choose the President; upon the fact that the House so voting was Democratic; and upon the certainty that it would decide that no person had a majority, and would then itself choose Tilden. As the House was commanded to act in a certain contingency, the argument was that it must, by necessary inference, have power itself to decide whether the contingency existed which enabled it to act. Whether Tilden were ever prepared to practically go the full length of the plan is doubtful. It certainly was not clearly stated or proposed by him in time either to set the pace for public opinion or to procure adequate consideration and execution in Congress. At the very last, it was by a sort of adumbration, rather than by explicit statement, that he let his opinion, if this were his opinion, become known. But if, early in December and as soon as the electoral colleges of the disputed states had cast their votes, he had openly and firmly declared his inflexible adhesion to the plan, its success would still have been gravely uncertain. There was at least practical doubt, with the Republican Senator Ferry in the Vice-President's chair,—whether the House could alone prevent the counting of the disputed Hayes votes. Alone it certainly could not procure the counting of the disputed Tilden votes. If the Vice-President, who officially held and produced the votes, and the Senate were, in spite of the House, to declare Hayes President, was there not the still more practical consideration that the Republicans were *beati possidentes*? General Grant would have placed Hayes in the White House; Hayes would have had what lawyers call color of title; and he would have been recognized by the Senate and by the actual possessors of all the federal civil

offices throughout the country and by the army and navy. Where would have been any constitutional power to resist the *de facto* President, where a tribunal practically competent to impeach his title? The loyalty of the Democratic party during the Civil War, whether rightly or wrongly, was doubted, and its Southern supporters were, as former rebels, still obnoxious to the dominant North. Would not the exercise or threat of anything like force have been fruitless except to reawaken the loyal sentiment of the war, to fatally discredit the Democratic party, and to firmly entrench its adversary as the guardian of the public peace? Public sentiment not having been challenged by Tilden in time, the only course left, in mid-January, 1877, to Mr. Hewitt and his associates which did not involve enormous risk to every political interest Tilden held dear, was to create a respectable tribunal with power recognized by both Senate and House. That anything better than the Electoral Commission could be had does not appear. A majority of the Republicans in each house voted even against its establishment.

Tilden's adversaries were fond of treating his political influence as a sort of black art, succeeding by magic, and his agents as engaged in omnipresent and sleepless *diablerie*. This was no more than one view, taken by commonplace and suspicious minds, of the widespread results produced by a just union of political ideals with astute knowledge of popular sentiment and skilful industry in organization. Mastery of practical details was a capital talent of his, as of every great statesman. He did not scorn ward meetings or committees, or "literary bureaus." Irksome as he must have found them, he held personal relations with all sorts and conditions of men, by interviews or by letters. So doing he both learned and taught. But he never played the demagogue; he was as much *bête noire* to every light-headed agitator as he was to every political jobber; he had nothing to offer either knaves or "cranks." The optimism whose expression broke through his sad-hued countenance and depressed manner, and his sagacity in choosing associates, brought him the exhilarating aid of young and high-minded men. From among them his party has since recruited some of its best leaders.

Intensely partisan to the last, profoundly hostile to Whig and later Republican theories, practised in the use of party machinery, and thoroughly believing in its necessity, Tilden still never forgot that the party was mere means to an end. If party organization became corrupt or faithless to its pretended motive, he would contest within, or, if necessary, would revolt and attack from without. He was not disturbed by cries that he was treasonably giving victory to the common enemy, or by canting slurs upon "reformers." Nor was this his policy only in 1848; or when he was younger, if, indeed, he were ever young after he outgrew roundabouts; or when he was outside party lines. In 1871, when the ransom of New York City depended upon defeating the Tammany legislative candidates, and the Tammany leaders offered him all the other offices, he would not compromise away the only offices which could be

effective for reform. The "wheel-horses" and "practical men" in the New York convention of 1871 were aghast to hear what fell from the lips of the titular head of their party. To quote his own fine words:—

"I told them that I felt it to be my duty to oppose any man who would not go for making the government of this city what it ought to be, at whatever cost, at whatever sacrifice. If they did not deem that 'regular,' I would resign as chairman of the state committee, and take my place in the ranks of my plundered fellow-citizens and help them to fight their battle of emancipation."

"A million of people," he said later, "were not to be given over to pillage to serve any party expediency or to advance any views of state or national politics." In 1875, when he was Democratic governor, and likely to be the presidential candidate of his party, he told the people of Buffalo how little he thought of "regularity" when it was a livery worn to serve the devil in. "When the parties to which you belong come to make their nominations," he said, "if there be on the ticket any one not true to you, you have but to exercise the reserved right of the American citizen, — to vote for somebody else." And yet within a few years of his death men of the very class to whom Tilden was a relentless foe, invoked the prestige of his name in behalf of party "regularity" intended to shield the iniquities of municipal misgovernment.

The relatives who seized under the technique of testamentary law what they had not earned and what they knew was, by him who had earned it, meant for others, seriously diminished the noble monument of benefaction to the city of his career, which Tilden intended. But American history, more enduring than the marble walls, pictured by Mr. Bigelow as housing a great Tilden free library, will not soon let fade away the memory of this feeble, suffering man, the memory of his high-minded determination, shrinking from neither labor nor odium, the memory of his belief that the world could be made better, and the welfare of the masses of men greater, by sound and honest politics.

EDWARD M. SHEPARD.

*Recollections of War Times; Reminiscences of Men and Events in Washington, 1860-1865.* By ALBERT GALLATIN RIDDLE, formerly Member of the House of Representatives from the 19th District, Ohio. (New York and London: G. P. Putnam's Sons. 1895. Pp. xi, 380.)

IN printing his reminiscences of our heroic age Mr. Riddle has been moved by a realization of the importance of such personal experiences to the future historian. The local color so indispensable to faithful history is mainly to be derived from the records of men who were behind the scenes in the great acts of the political drama. Mr. Riddle was a leading Whig,

Free-soil and Republican politician in Ohio (the Western Reserve) before the war, was a member of the Thirty-seventh Congress (1861-63), on intimate terms with the executive and legislative leaders of the day, and continued after this to occupy an influential position in Republican party councils. He is especially concerned in his book to contribute something to an adequate conception of the work done by the Congress of which he was a member. The great measures by which this body set and kept the war in motion are recounted, though in a somewhat disjointed manner. But it is not so much in this field, which is covered by the official records, as in that of less public incidents that the author is interesting. He was a member of the Congressional delegation that went forth to see the rebellion crushed at Bull Run, and the unfortunate outcome of that famous adventure is graphically narrated. It was a distorted version of Mr. Riddle's conduct on this occasion, by a disgruntled office-seeker in Cleveland, that rendered a second term in Congress impossible. Experiences at the time of Early's invasion of Maryland and when President Lincoln was assassinated are also employed to illustrate an inherent pugnacity in the author's disposition, which, not afforded a military vent, has doubtless been accountable in no small measure for the distinguished forensic reputation which he has acquired.

The political questions of the war time are treated by Mr. Riddle from the standpoint of an extreme abolitionist. This character, of course, was inevitable to one prominent in the Western Reserve. The author was leading counsel for the rescuers in the famous Oberlin-Wellington affair. He eulogized John Brown and his work at a meeting on the evening of the murderer's execution, in effusive terms which afterwards often returned to plague him. He cast one of the two negative votes in the House on the resolution of July 22, 1861, declaring the purpose of the war to be, not the overthrow of slavery, but only the maintenance of the Union; and he quietly enjoys in his book his ultimate triumph over those who violently censured his action. But, extreme as were his views on the matter of slavery, it is necessary to admit that they are recorded in the book as mere matters of history and are not allowed to detract from a notable tone of fairness and impartiality in the author's comments on those who differed from him. Where he disliked the policy of the President and the moderate party, he says so; but he calls no bad names.

The combination of anti-slavery fanaticism and party loyalty with the training of the constitutional lawyer in Mr. Riddle's make-up, has results in his book which are rather confusing, but which in this very fact faithfully reflect the conditions of the troublous times. Thus on page 40 he strongly approves the attitude of Stevens, Wade, and Stanton in that "no scruple of the written constitution troubled either of them" in combatting the rebellion; in Chapters XVII. to XIX., *passim*, he assails the conservative emancipation policy with elaborate arguments from this very constitution to show that extreme measures are lawful; on page 193 we learn that his legal instincts were revolted at the division of Virginia, but that

party feeling made him vote for the measure ; and in Chapter XLIII. he comes out very strongly against the administration's policy in the matter of military trials, approves the court's decision in the Milligan Case, and eulogizes Garfield's course in this case as having "restored to menaced rights the support of the law of the land." It is obvious that Mr. Riddle belonged to the class of people whose fervor in support of a higher law than the Constitution extended only to matters in which the blacks were concerned, and who found the old-fashioned constitutional law good enough for the ordinary white citizen.

In the author's contributions to the personal history of the times Wade and Stanton are his great heroes, and the war secretary's "liquid eyes" and "low sweet voice" figure largely in the book. Mr. Riddle attempts, in fact, a more or less systematic apology for Stanton, with whom he was in very friendly relations ; but the result will hardly be to change the general judgment up to date, that the dominion of the War Department was an effective, but often odiously unjust, tyranny. General Sherman is censured for his refusal to recognize Stanton at the grand review at the close of the war, as if the general's reason was merely that his agreement with Johnston had been overruled. As a fact, it was not against the secretary's official act, but against his private and even public aspersions on the general's motives, that the latter very properly manifested his resentment. Sherman's reputation insured him against such a fate as Stanton's malignant caprice had brought upon General Stone ; and the hero of Atlanta fully appreciated the fact and made the most of it.

As a prominent Ohio politician, Mr. Riddle played some part in the cabinet imbroglio in which the Blairs and Secretary Chase were concerned. His narrative on this point only gives a little clearer definition to the facts as already known. As to Sumner, the author's personal attitude is best indicated by the single passage devoted to it :—

"I was presented to the great Sumner, and did my poor best to propitiate and cultivate him. But I always had to tell him who I was, and he always asked what I had done to entitle me to his notice, and I always had to admit I had done nothing, and, as I was not born a courtier, I was obliged to give him up" (pp. 5, 6).

It is with a gusto to which the relation thus described probably contributes that Mr. Riddle tells a story concerning the passage of the Thirteenth Amendment in the House. Democratic votes were necessary to get the requisite two-thirds majority :—

"A New Yorker greatly desired a federal place in New York ; he had a brother, a Democrat, in the House, who was assured that his vote for the abolishing amendment would largely augment his brother's chances. There was also a contest for a seat in the next House—a Democrat in the present House was a party to that contest ; he came to see that the result would depend entirely upon his vote on the impending Thirteenth Amendment. It was found necessary to secure the absence of one Democrat from the House on the day of the vote. A railroad in Pennsylvania

was threatened with the passage of a bill by Congress greatly adverse to its interests. The bill was in Mr. Sumner's hands ready to be reported; the road had struggled to have action on the bill *deferred till the next Congress* — thus far without avail. The lawyer for the railroad was a Democratic member of the present House. . . . The two Democrats voted for the amendment, and the railroad's lawyer *was taken so ill* that he could not be carried to the House; the New Yorker had the coveted post; the Democrat secured his seat in the Thirty-ninth Congress, and the august Sumner *did not* report the bill during that session" (pp. 324-325).

The author does not vouch for the means employed to secure the Democrats, but considers that everything else, being a matter of record, warrants confidence in the truth of the story. Whether accurate or not, it is quite in line with one of the most familiar results of historical research — that the means through which epoch-making stages in the world's progress are definitely objectified in political institutions prove often to be sadly lacking in the dignity and moral grandeur which characterize the ends achieved.

Mr. Riddle has written an entertaining book, but it is too short. Certain suggestions as to his views on the questions of Reconstruction and as to his knowledge of the part played in the later days by the heroes of the war time, render it certain that he could throw some very valuable light on the period of the Thirty-ninth and Fortieth Congresses.

WM. A. DUNNING.

*A History of Newfoundland, from the English, Colonial, and Foreign Records.* By D. W. PROWSE, Q.C., Judge of the Central District Court of Newfoundland. With a Prefatory Note by Edmund Gosse. With numerous illustrations and maps. (New York and London: Macmillan and Co. 1895. Pp. xxiii, 742.)

At the outbreak of the War of Secession, when nervous friends of the North advised it to let the South go, one of the answers given by the North was that it could not afford to part with the mouth of the Mississippi. Newfoundland, besides the fisheries, commands the mouth of the St. Lawrence; yet the present crisis in its history seems to be regarded by the American people and their government with less interest than the crisis in Hawaii. In Great Britain more interest is felt. The question of the fisheries, unlike most colonial questions, sensibly affects the British people. Imperialists are anxious for the completion of North American federation, and the attention of the Foreign Office is kept alive by the perennial blister of the French claims.

If American indifference is due to historical ignorance, it will be no longer pardonable, since in the portly volume before us Mr. Prowse, the Judge of the Central District Court of Newfoundland, appears to have gleaned all that the most exhaustive industry could collect from English, colonial, and foreign records, to throw light upon the history of Newfoundland. The



work is abundantly furnished with maps and illustrations of all kinds. To each chapter the principal documentary evidences are appended. The book answers perhaps less to the description of a narrative than of a repertory of the materials for a narrative, chronologically arranged. Popular it cannot be expected to be: this its bulk and price as well as its method forbid; but it will probably be the standard work, a library book of reference, and a general quarry. The great labor which it must have cost its author has not been expended in vain.

In the march of discovery which marked the close of the fifteenth century Henry VII. took part, with his usual caution and parsimony, by lending John Cabot his royal countenance and a very sparing measure of assistance. Cabot's application to the king for letters patent in favor of himself and his two young sons, Sebastian and Sanctus, whose names were inserted to extend the duration of the charter, opens the archives of the British colonial empire. The sunnier regions had been pre-empted; but the fisheries of Newfoundland, which were the reward of Cabot's adventures, proved a gold-mine richer than the fabled treasures of El Dorado. It is Judge Prowse's opinion that from the time of the discovery the English never ceased to avail themselves of this treasure, and that the fisheries built up the west of England.

The fisheries, discovered by an expedition from a western port, were chiefly in the hands of the men of Devonshire, who were the great maritime adventurers, and, truth to speak, the great pirates of England in those days. Devonshire regarded the fisheries as her own, and if she had not tried to monopolize them, her commercial liberality would have been greatly ahead of her age. Judge Prowse divides the history of Newfoundland into two epochs of nearly equal duration:—

"The early or chaotic era, from 1497 to 1610, when the Island was a kind of no man's land, without law, religion, or government; frequented alike by English and foreign fishermen; only ruled in a rough way by the reckless valor of Devonshire men, half pirates, half traders.

"The Fishing Admiral period, from 1610 to 1711, a dismal time of struggle between the colonists and the western adventurers, or ship fishermen from England. This may also be designated the colonization period.

"The colony under naval governors, 1711 to 1825; the advent of the first resident governor, Sir Thomas Cochrane.

"The modern era, the struggle for autonomy."

The Devonshire adventurers and the British government at their instigation for some time did their best to prevent colonization, and to break up such settlements as were formed. They wanted Newfoundland to be merely a naval station for the fishing fleet. Settlers at last, however, made good their hold. They were of the same hardy class and sustained by the same religious fortitude as the Puritan founders of New England. Projects of colonization conceived by theoretic or aristocratic founders failed in Newfoundland as they have failed elsewhere.

The Fishing Admiral, whose rule extended through the second period,



was simply a skipper, and apparently the first who came to hand. A very curious potentate, especially in his judicial capacity, he was. Judge Prowse describes him as appearing on the bench of justice, not in judicial robes or magisterial black, but in his blue fishing jacket and trousers besmeared with pitch, tar, and fish-slime, and an old sealskin cap upon his head. The temple of law was a fish-store and the judgment-seat was a butter-firkin. Justice was bought with a little money, with a present of New England apples, or with a bowl of rum, the last of which bribes sometimes laid her on the floor. In this period of misrule a lucid interval is formed by the government of Cromwell, who sent out a commissioner with good instructions.

The administration of the naval governors, who were officers of the Royal Navy and whose rule followed that of the Fishing Admirals, seems not to have been so bad. Its rough and ready ways may have suited that wild maritime population, though its justice was not always discriminating ; at least we find it recorded that in one case a man was whipped within an inch of his life : that next day inquiry was made into the facts, and it was found that they had whipped the wrong man.

At last Newfoundland was recognized as a colony and regular governors were sent out. In due time came the struggle for self-government, which in 1855 was terminated in the usual way by the concession of a constitution after the British model, the imperial governor being reduced, like the sovereign whom he represents, to the position of a figure-head. The revolution was bloodless, though, to mark the advent of liberty, the governor's image was burned. But as Judge Prowse says, the success of the British constitution is largely dependent on the men who work it ; and in the case of Newfoundland, as in those of the self-governed colonies, it has proved easier to send out a copy of the political machine than to export the character and traditions of the statesmen by whom the machine has been kept in order and made to operate hitherto with a fair measure of success.

A large Irish immigration, which took place at the end of the last and beginning of the present century, may have added to the sociability and hilarity of the colony, but did not add to its political harmony or to its aptitude for the working of parliamentary institutions. It was followed by conflicts, sometimes bloody, between the Protestants and the Catholics. Judge Prowse says that these were got up by politicians ; but sectarianism at any rate supplied the gunpowder to which politics put the match. Perfectly natural and genuine, at all events, were the faction fights among the Irish themselves. The Tipperary "clear airs," the Waterford "weh bellies," and the Cork "dadyeens" were arrayed against the "yellow belly" faction—the "Doones" or Kilkenny boys, and the Wexford "yellow bellies." There were, besides, the "young colts" and a number of other names for the factions. They fought with one another "out of pure devilment and divarsion," as an old Irishman explained to Mr. Prowse. These were the colonial counterparts of "old Erins," "Caravats," and "Shanavests," "two-year-olds" and "three-year-olds," and perhaps we may add of the "Parnellites" and "Anti-Parnellites" of the present day.

Judge Prowse freely lectures the imperial government for its ignorance and surrender of colonial interests. He will find his complaints echoed by Canadian, South African, and Australian writers, all of whom aver that the interests of their colonies have been betrayed. It is curious that these communities should have existed so long without discovering that people know and care more about their own affairs than they do about those of other people. Would Newfoundland make great sacrifices for Canada or Canada for Australia? Why, then, should the British nation be expected to run the risk of war in the interest of dependencies remote from its view and from which it derives not a particle, either of exclusive commercial profit or of military strength? Each dependency magnifies its own importance and expects the whole force of the empire to be put forth on its behalf. A fair historian would probably say that British diplomacy had, on the whole, done as well for the colonies as, considering its limited force and its world-wide responsibilities, they could reasonably expect.

Judge Prowse's complaints of course relate chiefly to the footing which the French have been allowed to retain in Newfoundland, and which is a perpetual source of altercation, not only between the French and English governments, but between the English government, which is disposed for the sake of peace with France to concede French claims, and the colonists, who call for a resolute resistance to them. The western half of the island, the half next Canada, is in something like a state of blockade in consequence of the French claims under the Treaty of Utrecht, 1713, and the Treaty of Versailles, 1783. By those instruments, the French fishermen were permitted to fish all along that shore and down the east shore as far as Cape St. John without molestation from British fishermen. By the treaty of 1783 His Britannic Majesty undertook "to take the most positive measures for preventing his subjects from interrupting in any manner by their competition the fishery of the French, and for that purpose to cause the fixed settlements [*les établissements sédentaires*] which should be formed there to be removed." Lord Salisbury in Parliament has described Newfoundland as "the sport of historic errors"; and a more awkward situation or one more pregnant with quarrels, it would certainly have been difficult to create. The excuse is that when Bolingbroke signed the treaty of 1713 the west, or French shore, as it is now called, had no regular inhabitants, and was regarded as beyond the limits of civilization. The growth of settlement has rendered the relations of the two nationalities intolerable. The Newfoundlanders call upon Great Britain to oust the French, which she can do only at the cost of war. The British governors hold that Newfoundlanders are not at liberty to fish at the stations occupied by the French fishermen, but may fish at places not so occupied along the shore. This ruling is enforced against the Newfoundlanders by British warships amidst constant growls on the part of Newfoundland.

While he rebukes his mother-country, Judge Prowse shows a British colonist's feelings towards Yankees. Even in the compact drawn up by the Pilgrims before landing from the *Mayflower*, he seems to scent some-

thing premonitory of wooden nutmegs. Speaking of the War of 1812, he says that, though its ostensible causes were the right of search and impressment, "the real reason, as is now admitted by all candid historians, was Madison's re-election as President." All the bloodshed and destruction of property he charges to the account of "the inordinate political ambition of this unscrupulous man." That Madison would not have consented to go to war had he not feared that, by refusing, he would lose his re-election, is probable; but to admit this is not to say that Madison's re-election was the national motive for going to war. As well it might be alleged that Great Britain's reason for going to war with Spain, in 1739, was the retention of Walpole in power. Walpole declared war against Spain in opposition to his own convictions, in order that he might retain power; but the cause of the war was the popular feeling against Spain.

On one or two points of general history, Judge Prowse's statements are open to exception. Bacon cannot be justly said to have been "the last English statesman to use the rack and to pervert justice." He was an official witness of the application of the rack to Peacham, but his name is not specially connected with the practice. As chancellor, he cannot be shown to have ever perverted justice, though he laid himself open to the charge of corruption by accepting presents from suitors. Lord Bute was a despicable minister, and employed corruption on a large scale to carry a disgraceful peace. But there is nothing in his character which would lead us to suppose him capable of taking a bribe from France, and any accusation of that kind may be safely set down to party spirit, which at that time ran furiously high. Bute's wealth was derived from his marriage with Miss Wortley Montagu, the heiress of the great Wortley estates.

GOLDWIN SMITH.

## NOTES AND NEWS

Heinrich von Sybel, the last of the great historians of the school of Ranke, died on August 1. Sybel was born at Düsseldorf, December 2, 1817. After four years under Ranke at Berlin, he took his degree at Bonn, where in 1844 he became a professor extraordinarius, having in 1841 published his important monograph on the First Crusade. In 1845 he was called to Marburg as professor ordinarius, where he wrote the first edition of his *Geschichte der Revolutionszeit von 1789 bis 1795* (Düsseldorf, 1853-1857), an epoch-making work, in which the period of the French Revolution was treated especially from the point of view of diplomatic history, as a great disturbance of the international policy of the European states. In 1856 Sybel was called by King Maximilian II. to Munich, where he established the historical commission connected with the Royal Bavarian Academy, and founded the *Historische Zeitschrift*. In 1861 he became a professor at Bonn. During the ensuing period, beside the historical studies embodied in his *Kleine Historische Schriften* (1863-1869) Sybel served with vigor in the Prussian Abgeordnetenhaus, in the Diet of the North German Confederation, and, beginning in 1874, in the imperial parliament. In 1875 he was made director of the Prussian Archives at Berlin, whose publications he originated and superintended. For twenty years, as a member of the Prussian Academy, he has had a foremost part in all official historical undertakings at Berlin. His last work, and, with that on the Revolution, his greatest, was his *Die Begründung des deutschen Reiches durch Wilhelm I.*, of which the seventh volume was published last year. The work, designated on the title-page as composed *vornehmlich nach preussischen Staatsacten*, had every advantage of the writer's official position until it had approached the fifth act of its drama, when the young military officer who now occupies the throne of William I. closed the archives to the great historian. Nevertheless the history was continued. The last of Sybel's publications was an article in the *Historische Zeitschrift*, in which he defended various positions taken by him in his last volume from criticisms recently made, especially in the matter of the respective attitudes of Beust, Napoleon III., Gramont, Eugénie, and Bismarck toward the inception of the war of 1870.

Rudolf Gneist, who died on July 22, was not merely an historian of high rank, but also a renowned jurist and political reformer. He was one of the few prominent historians of this century who have helped to make history. He was born in Berlin, August 13, 1816. In 1839 he began his academic career as *Privat-Dozent*. His life was less migratory than that

(190)

of most German professors; he remained a member of the Law Faculty of Berlin University from 1839 to the time of his death. For many years he was prominent among the Liberals in the Lower House of the Prussian Diet and in the Imperial Diet. He was also a judge of the Supreme Court of Prussia. He always advocated sober, rational measures of reform, and for almost half a century his profound knowledge of constitutional and administrative law enabled him to exercise a wholesome influence upon legislation in Prussia. His most important works are those on English institutions; for many years he has ranked as one of the highest authorities on English constitutional history. His investigations on the history of English administration and self-government appeared at a time when the study of English institutions was still in its infancy,—before Stubbs, Freeman, Froude, Gardiner, and May had made their contributions to our knowledge of the subject. Gneist also attempted to achieve much more than any of his successors attempted: he covered the whole range of English institutional development, from the early Middle Ages down to recent times. He was led into the subject not merely as an historian, but also as a public man and political reformer. His first important work, *Geschichte und heutige Gestalt der Aemter in England* (1857), was written to meet a defect in the constitutional reasonings put forth during the long conflict for popular representation in Prussia, by showing the futility of attempting to establish parliamentary government without a good substructure of local and provincial institutions. His other treatises on English history had a similar origin. He was not, however, a blind admirer of English institutions; he did not believe in transplanting them to German soil, but he felt convinced that Germany could learn much concerning administration and self-government from a careful study of English history. This practical object of his books had a detrimental influence upon their form. They lack unity and completeness, and often overlap one another. The reader is never sure that he has before him in a given volume all that Gneist has written on any particular subject, and much that is found in one treatise is repeated in others. Gneist strongly emphasized the development of administration in England from below upward, the aristocratic tendencies of English self-government, and the important part played by the gentry in local and central affairs. He believed that England's greatness was founded not merely by the services of the gentry but by the personal coöperation of all classes in the daily duties of life. In all his writings he lays stress upon the idea that the discharge of public duties alone justifies the claim for public rights; he always advocated "a thorough and uniform enforcement of public duties on all members of the state."

C. G.

The Earl of Selborne, formerly Lord Chancellor of England, and author of *Ancient Facts and Fictions concerning Churches and Tithes*, died May 4.

Mr. Abram C. Bernheim, who died July 24, was a historical scholar of unusual gifts. His special field of study was the political history of New York, and he had been since 1888 a Lecturer on that subject at Columbia

College. He was born in New York in 1866. His interest in his native city was far from being solely historical and academic. On the contrary, he was enthusiastically devoted to a great variety of valuable political and social reforms, and had a prominent part in their practical execution. In the University Settlement Society, whose East-Side artistic exhibitions were his work, in the Tenement House Building Company, in the City Club, in the Committee of Seventy, and in many charities, his influence and public spirit were strongly felt; in private his character was one of unusual beauty.

The *Jahresbericht für die Geschichtswissenschaft* for 1893 has this year appeared and, though certain important chapters are lacking, has its customary value.

A step of great importance was taken on May 18, by the formal organization, at a meeting held in New York, of "The American School of Classical Studies in Rome." The new school is intended to promote the study of the archæology of ancient, early Christian, and mediæval Italy; of inscriptions in Latin and the dialects; of Latin palæography, ancient and mediæval; of Latin literature; and of the antiquities of Rome. Its purposes are thus similar to those of the Italian, French, German, Hungarian, and Austrian Institutes at Rome. The Casino of the Villa Ludovisi has been leased, and will be jointly occupied by the new School and by the American School of Architecture established a year ago, the organizations, however, remaining distinct. From this home as a centre, archæological journeys will no doubt be made, and excavations attempted, as by the School at Athens. The School disposes of three fellowships: one of \$600, granted by the Archæological Institute; one of \$600, established out of the fund of the School, which now amounts to about \$25,000; and one of \$500, in Christian archæology, given by special subscription. The School will be opened October 15, 1895. At the meeting already mentioned, Professor W. G. Hale of Chicago was chosen chairman of the organization, Professor A. L. Frothingham, Jr., of Princeton, secretary, and Mr. C. C. Cuyler of New York, treasurer. Messrs. Hale and Frothingham are to be respectively director and associate director of the School for the year 1895-1896, Professor Minton Warren of Baltimore director for 1896-1897.

A journal certain to prove useful in several ways to historical students is the *Revue Internationale des Archives, des Bibliothèques et des Musées*, edited by MM. Langlois, Stern, and Lucien Herr of Paris, Salomon Reinach of St. Germain-en-Laye, Venturi of Rome, and Justin Winsor of Cambridge, Mass. The review will be published three times a year, in March, July, and December, by H. Welter, 59 rue Bonaparte, Paris. On each occasion three *fascicules* will be issued, each exclusively occupied with one of the three subjects to which the review is devoted. The *Revue* proposes to review or state the contents of all books and periodicals dealing with archivistics, library economy and the science of bibliography, and museography. It also intends to give news, — e.g., respecting new regulations, acquisitions, or catalogues, — as completely as is possible, from the

archives, libraries, and museums of the world. Each *fascicule* will also contain one, and only one, "body-article." Articles will be published in French, German, English, or Italian. In the first number, in the section devoted to archives, the article is by M. Langlois, on *La Science des Archives*; in that devoted to museums, M. Reinach writes of *La Muséographie en 1895*. The former section also contains an account of the changes and improvements effected in the Public Record Office at London since the appointment of Mr. Maxwell Lyte as Deputy Keeper in 1886. A high standard of scholarship and unusual perfection of detail are evident in the initial number.

Duncker and Humblot, Leipzig, are issuing a cheap popular edition of Ranke's *Weltgeschichte*, without the notes and appendixes, intending to complete the publication by the centennial anniversary of the historian's birth.

*Graduate Courses, a Handbook for Graduate Students, 1895-6*, compiled by an editorial board of graduate students and published by Macmillan, presents abundant and interesting information respecting the opportunities afforded by each prominent American university for the study of history and allied subjects. The chief academic *personalities* to be noted are the following: Professor Edward G. Bourne, hitherto of Western Reserve University, becomes a professor of history at Yale; Professor James H. Robinson of the University of Pennsylvania becomes a professor of history at Columbia College; Professor James R. Jewett of Brown University becomes professor of Semitic languages and history at the University of Minnesota; Mr. Edwin V. Morgan succeeds Dr. Bourne at Cleveland; Professor Charles H. Haskins of Wisconsin spends the ensuing academic year in Europe.

A friend of Brown University has offered the sum of \$200 as a prize to encourage the historical study of the development of religious liberty in America. The prize is open to all persons who wish to compete. It will be given to the writer of the best essay on one of the three following themes: 1. A critical comparison of the claims put forward, on behalf of Rhode Island and Maryland respectively, regarding the first establishment of religious liberty in America; 2. A critical history of the movement toward disestablishment and religious liberty in Connecticut; 3. A critical history of the movement toward disestablishment and religious liberty in Massachusetts. The essays must be given to the President of the University (under a pseudonym, with an envelope bearing the assumed name and containing the real name of the author) before May 1, 1896.

#### ANCIENT HISTORY.

An important official publication in Oriental archaeology is the *Aegyptische und vorderasiatische Alterthümer aus den kgl. Museen zu Berlin*, 87 plates with official letter press.

N



The *Zeitschrift des deutschen Palästinavereins*, Bd. XVII, contains an extended report on the publications of the years 1892 and 1893 relating to Palestine, by Dr. Benzinger.

The most interesting recent results of the work of the Palestine Exploration Fund have proceeded from the excavations conducted at Jerusalem by the young American archæologist, Dr. F. J. Bliss. His main work has been to search for the lost south wall of the old city. He discovered an ancient south wall, with S.W. and S.E. gates, five towers, drains, aqueducts, etc. Dr. Bliss writes: "No one doubts that I have followed a continuous line of wall, but experts are disagreed as to whether it is the old Jewish line or not, some thinking it was a later wall built by the Empress Eudocia. I will not be dogmatic, but I think the line is Jewish, even if the Empress rebuilt on it. . . . In March I took an exploring trip in Moab and discovered a hitherto unknown Roman fort and military town."

M. Théodore Reinach has published a complete collection of all the passages in Greek and Roman writers relating to the Jews and Judaism (Paris, Leroux) as Vol. I of *Fontes Rerum Judaicarum*. Inscriptions, etc., are to follow in later volumes.

A third edition of W. Wattenbach's *Anleitung zur griechischen Palæographie* has been published by S. Hirzel, Leipzig.

Messrs. Macmillan and Co. have issued the second volume of the translation of Adolf Holm's *History of Greece*. It covers the fifth century B.C.

Among recent German dissertations in ancient history, separately published, may be noted: G. Lippel, *Deutsche Völkerbewegungen in der Römerzeit*, Königsberg (35 pp.); G. Goltz, *Beiträge zur Quellenkritik der Alexander-Historiker, II*, Allenstein (18 pp.); A. Jacobson, *Das Verhältnis des Dionys von Halicarnass zu Varro in der Vorgeschichte Roms*, Dresden (18 pp.); J. Rangen, *Das Archontat und Aristoteles' "Staatsverfassung der Athener,"* Ostrowo (24 pp.).

The first volume of J. P. Waltzing's important *Étude historique sur les Corporations professionnelles chez les Romains* (Brussels, Hayez, 528 pp.) carries his discussion to the fall of the Western Empire. Vol. II will contain all Greek and Latin inscriptions relating to *collegia* not sacerdotal.

Noteworthy articles in periodicals: The *Revue Historique* (May, 1895) has an article of 30 pages by W. Liebenam, presenting a summary review of the German and Austrian publications relative to Roman history issued during the period from 1884 to 1891. An account of those issued in 1892 and 1893 is to follow. C. R. Conder, *The Archaeology of the Pentateuch* (Scottish Review, July); E. Dramard, *Étude sur les Latifundia* (Compte-rendu de l'Académie des Sciences Morales et Politiques, April); Th. Mommsen, *Das Regenwunder der Marcus-Säule* (Hermes, XXX, Heft 1); A. von Domaszewski, *Die Religion des römischen Heeres* (Westdeutsche Zeitschrift, XIV, 1).

**EARLY CHURCH HISTORY.**

The Antiquarische Gesellschaft in Zürich has published a collection of the earlier Christian inscriptions of Switzerland, edited by E. Egli (*Die christlichen Inschriften der Schweiz vom. 4.-9. Jahrt.*).

Noteworthy articles in periodicals: Jean Guiraud, *Jean-Baptiste de Rossi* (Revue Historique, May); E. G. Ledos, *Le Commandeur G.-B. de Rossi* (Revue des Questions Historiques, April); Paul Allard, *Le Clergé Chrétien au milieu du IV<sup>e</sup> Siècle* (Revue des Questions Historiques, June).

**MEDIAEVAL HISTORY.**

The seventh volume of the *Littérature Celtique* of M. d'Arbois de Jubainville (Paris, Thorin) is devoted to the subject of Celtic law, dealing especially with the oath, the duel, compensations for injuries and for murder, and other matters of civil and criminal procedure.

Mr. Henry C. Lea, it is understood, has just finished the manuscript of a *History of Confession and Indulgences*, in three volumes.

A valuable and important summary of papal history from Innocent III. to Gregory XI. inclusive (1198-1373) is furnished by the second volume of F. Rocquain's *La Cour de Rome et l'esprit de réforme avant Luther* (Paris, Thorin, 571 pp.).

Abbé Féret has published (Paris, Picard) the second volume of his *Histoire de la Faculté de Théologie de Paris*, covering the thirteenth century.

Vicomte d'Avenel has published (Paris, Imprimerie nationale), in two large volumes, an *Histoire économique de la Propriété, des Salaires, des Denrées et de tous les Prix en général depuis l'an 1200 jusqu'à l'an 1800*. It contains an enormous number of figures relating to the prices of land, labor, and commodities of all sorts during these six centuries, preceded by an introduction of 500 pages, dealing with a great variety of topics in the economic, and especially the agrarian, history of the period.

**MODERN EUROPEAN HISTORY.**

The fifth volume of Lavissee and Rambaud's *Histoire Générale* covers the period of the religious wars, 1559-1648.

Messrs. G. P. Putnam's Sons announce the publication, in their series "Heroes of the Nations," of volumes on Charles XII., by R. Nisbet Bain, and on Lorenzo de' Medicis, by Edward Armstrong.

Among recent German dissertations in modern history separately published, the following have some general interest: F. Salomon, *Das politische System des jüngeren Pitt und die zweite Teilung Polens*, Leipzig (80 pp.); H. Schlag, *Geschichtlich-geographische Uebersicht über die*

*Staaten des deutschen Reiches nach Abschluss des Westfälischen Friedens 1648*, Siegen (48 pp.) ; O. Ritter, *Geiler von Keisersberg und die Reformation in Strassburg*, Döbeln (37 pp.) ; F. Litt, *Lord Macaulay's Ansichten über die Form und die Einflussphäre des Staates*, Düsseldorf (21 pp.).

Noteworthy articles in periodicals : Richard Waddington, *Le Renversement des Alliances en 1756* (Revue Historique, May, July) ; J. B. Moore, *Kossuth: A Sketch of a Revolutionist* (Political Science Quarterly, March, June) ; Nigra, *Souvenirs diplomatiques* [1870] (Bibliothèque Universelle, March).

#### GREAT BRITAIN AND IRELAND.

On June 21 Lord Acton gave in public his inaugural lecture as Regius Professor of Modern History in the University of Cambridge. His subject was "The Unity of History." The lecture is announced for publication.

The most important recent record publications by the British government have been the following : Vol. VIII (1581-1591) of the *Calendar of Venetian MSS.*, edited by H. F. Brown ; Vol. X (1577-1578) of the *Acts of the Privy Council*, edited by J. R. Dasent ; Vol. XII (1619-1622) of the *Register of the Privy Council of Scotland*, edited by David Masson ; Vol. I of the *MSS. of the Marquis of Ormonde* (Hist. MSS. Commission, 14th Report, Part 7) ; *Calendar of State Papers, Domestic*, 1670, edited by Mrs. Everett Greene ; and Vol. VI (1842-1848) of the new series of *State Trials*, edited by J. E. P. Wallis. The *Calendars of State Papers, Colonial*, are to be continued under the editorial care of the Hon. J. W. Fortescue. The third volume of Major Hume's *Calendar of Spanish State Papers* of Elizabeth at Simancas and Paris is in the press.

The Selden Society, having issued its new edition of *The Mirrour of Justices*, will soon bring out Professor Maitland's volume entitled *Bracton and Azo*, which will make plain the extent of Bracton's indebtedness to the civil law. The Society has in the press a volume of *Selections from the Coroners' Rolls* (Henry III. to Henry V.), edited by Dr. Charles Gross, assistant professor of history in Harvard University, with an extensive introduction. The volume will throw light on the early development of the jury, on the jurisdiction of the hundred and county courts, and on the collective responsibilities of neighboring townships. For next year the Society promises a volume of *The Earliest Records of the Equitable Jurisdiction of the Court of Chancery*, edited by W. Paley Baildon.

In the volume of *Mélanges Julien Havet* (Paris, Leroux), dedicated to the memory of that eminent scholar, M. Bémont discusses the date of the *Modus tenendi Parliamentum* and M. Gaston Paris the epithet of Pepin "the Short."

The Benchers of the Inner Temple have decided to print the archives of their society, which begin in 1506. The editor will be Mr. Inderwick, Q. C.

Under the title *English Colonization Ideas in the Reign of Elizabeth* (Danvers, Mass., "Danvers Mirror" Press), Rev. Curtis M. Geer has printed a dissertation presented for the degree of doctor of philosophy at Leipzig. Though hardly adequate and not well written, the pamphlet is interesting and has some substantial merits. The proof-reading has been extremely careless.

The sixth volume of Mr. H. B. Wheatley's edition of Pepys' *Diary* has just appeared.

The Unpublished Works of Edward Gibbon, a fruit of the recent centenary, will be edited by the Earl of Sheffield and published by John Murray. They will comprise the seven autobiographies, selections from which were ingeniously pieced together to make the life as we have known it; Gibbon's Journals of 1762-1764; and his correspondence with his own family and that of his friend Lord Sheffield.

In the Heeren and Ukert series, *Geschichte der europäischen Staaten*, the ninth volume of M. Brosch's *Geschichte von England* has appeared, covering the period from 1783 to 1815.

A volume on Nelson, by Professor J. K. Laughton, is the latest issue in the series of "English Men of Action."

In the forty-third volume (Owens-Passelewe) of the *Dictionary of National Biography* the articles which are of most interest to historical students are those on Thomas Paine, by Leslie Stephen, on Matthew Paris, by Rev. Wm. Hunt, on Matthew Parker, by J. B. Mullinger, on Parnell (unsigned), and on Robert Parsons the Jesuit, by T. G. Law.

Noteworthy articles in periodicals: W. E. Rhodes, *Edmund Earl of Lancaster* (English Historical Review, January, April); J. J. Jusserand, *A Journey to Scotland in 1435* (Nineteenth Century, June); N. Pocock, *Religion and Morals under Edward VI.* (English Historical Review, July); John Fiske, *The Elizabethan Sea-Kings* (Atlantic Monthly, July); *The Armada* (Quarterly Review, July); D. W. Rannie, *Cromwell's Major-Generals* (English Historical Review, July); C. H. Firth, *The "Memoirs" of Sir Richard Bulstrode* (English Historical Review, April).

#### FRANCE.

The latest issue in the *Collection de Textes* for students' use published by the Société Historique of Paris is (No. 18) *Textes relatifs aux Institutions Publiques aux Époques Mérovingienne et Carlovingienne*, edited by MM. Thévenin and Taillade (Paris, Alphonse Picard).

On May 17, 18, and 19, the eight-hundredth anniversary of the First Crusade was celebrated at Clermont with appropriate ceremonies and brilliant festivities. Next year the fourteen-hundredth anniversary of the baptism of Clovis will be celebrated at Rheims.

The sixth volume of M. Glasson's *Histoire du Droit et des Institutions de la France* (Paris, Pichon) concludes his treatment of feudalism. It deals with the domain of the crown, the royal finances, the *justice royale*, procedure and penal law.

Messrs. Macmillan and Co. have published in their "Globe" series a skilfully reduced edition of Lord Berners' translation of Froissart, edited by G. C. Macaulay.

The French government has published the second volume of M. Valois' *Inventaire des arrêts du Conseil d'État pour le règne de Henri IV*.

A work of great importance on the history of the Huguenots is M. O. Douen's *La Révocation de l'Édit de Nantes à Paris*, 3 vols. (Paris, Fischbacher).

Mr. Funck-Brentano has finished his *Table Générale des Archives de la Bastille* (Paris, Plon), an invaluable guide to an important collection.

A complete and critical edition of the letters of Marie Antoinette has been undertaken by the Société d'Histoire Contemporaine. The first volume (1768-1780), edited by the Marquis de Beaucourt and M. Maxime de la Rocheterie, has appeared (Paris, Picard).

MM. Frederic Masson and Guido Biaggi have collected and edited two volumes of hitherto unpublished papers relating to the life of Napoleon from 1786 to 1793, under the title of *Napoléon Inconnu* (Paris, Ollendorff).

Two new books on Renan are to be noted as of importance: *Ernest Renan, essai de biographie psychologique*, by M. Séailles (Paris, Perrin), and *La Philosophie de Renan*, by M. Allier (Paris, Alcan).

M. Émile Ollivier has published the first volume of a book of personal and historical memoirs entitled *L'Empire Libéral*. Its apologetic purpose does not prevent it from being important as well as interesting. The second volume is in preparation (Paris, Garnier Frères).

Noteworthy articles in periodicals: G. Picot, *Onzième rapport de la Commission chargée de publier les Ordonnances des Rois de France* (Académie des Sciences Morales et Politiques, Compte-rendu, May); G. Kurth, *La France et les Francs dans la Langue Politique du Moyen Age* (Revue des Questions Historiques, April); C. de la Roncière, *Première Guerre entre le Protectionnisme et le Libre Échange [1444-1483]* (ibid., June); H. Brown, *The Assassination of the Guises as described by the Venetian Ambassador* (English Historical Review, April); F. Funck-Brentano, *Les Lettres de Cachet en blanc* (Académie des Sciences Morales et Politiques, Compte-rendu, May); J. H. Robinson, *The Tennis Court Oath* (Political Science Quarterly, September); F. Masson, *Joséphine avant Bonaparte* (Revue de Paris, May 15, June 1); E. Charavay, *Notice biographique sur La Fayette* (Révolution Française, February, March); A. Métin, *Les Origines du Comité de Sûreté Générale* (ibid., March, April); A. Sorel, *De Leoben*

à Campo Formio (Revue des Deux Mondes, March-June); Hermant, *L'Égypte en 1798* (Revue Bleue, December 22-March 9); Aulard, *L'Établissement du Consulat à Vie* (Révolution Française, April); W. M. Sloane, *Life of Napoleon* (Century, — October); E. Daudet, *Récits de la Chouannerie: L'Agence Anglaise à Bordeaux* (Revue Historique, May); Vicomte de Vogüé, *Le dernier Maréchal* [Canrobert] (Revue des Deux Mondes, March); Mme. Feuillet, *Souvenirs et Correspondance* (Le Correspondant, April, May); L. Thouvenel, *Napoléon III. et M. Drouyn de Lhuys en 1855* (Revue de Paris, May 1).

#### ITALY, SPAIN, PORTUGAL.

The Italian Dante Society will issue, in about twenty parts, *Il Codice Diplomatico Dantesco*, consisting of photographic facsimiles of all documents bearing on the life of Dante, etc., with notes by Biagi and Passerini. The edition will be limited to three hundred copies (Milan, Hoepli).

A new monthly historical review has been established in Spain, entitled *Revista Crítica de Historia y Litteratura Españolas*. The historical editor is Sr. R. Altamira.

Professor Edward G. Bourne, now of Yale University, has printed in the Western Reserve University Bulletin for April a bibliography of publications connected with the five-hundredth anniversary of the birth of Prince Henry the Navigator.

Noteworthy articles in periodicals: F. Pons, report on recent publications in Spanish history, *Revue des Questions Historiques*, April; K. Häbler, *Die Columbus-Litteratur der Jubiläumszeit* (*Historische Zeitschrift*, LXXIV, 2); G. Valbert, *La Candidature du prince Léopold de Hohenzollern au trône d'Espagne en 1870* (*Revue des Deux Mondes*, April 1).

#### GERMANY, AUSTRIA, SWITZERLAND.

The third annual meeting of the German historical scholars was held at Frankfurt a. M. on April 18, 19, and 20. Professor Heigel, of Munich, was chosen to preside. The principal discussions were upon the position of historical studies in the universities (discussion opened by Professor von Zwiedineck-Südenhorst, of Graz), and on the principles to be followed in documentary publication. Two important lectures were given, one by Professor Bücher, of Leipzig, on the finances of Frankfurt in the Middle Ages, the other by Professor E. Meyer, of Halle, on economic development in ancient times. A permanent organization ("Verband deutscher Historiker") was formed. The meeting of 1896 will be held in Austria; meetings will thereafter be biennial. After the conclusion of the meetings many members took part in an excursion to the Roman castle at Saalburg, conducted by members of the Limeskommission.

The latest additions to the *Monumenta Germaniae Historica* are *Epistolarum tomi II pars 2 et tom. IV*, containing books X to XIV of the let-

ters of Pope Gregory I., edited, since the lamented death of Paul Ewald, by L. M. Hartmann, and a second volume of letters of the Caroline period, edited by Ernst Dümmler; also, *Auctorum antiquissimorum tomus XIII pars 2*, being *Chronica minora saec. IV-VII*, ed. Th. Mommsen, III, 2.

In the new edition of the *Geschichtschreiber der deutschen Vorzeit* the latest issue (vol. 63) is that of the "Annals of Magdeburg" (*Chronographus Saxo*), newly edited by W. Wattenbach, (Leipzig, Dyk; ix, 128 pp.).

At the annual meeting of the *Hansische Geschichtsverein*, June 4, announcement was made of the publication of the fifth volume of the *Hansische Geschichtsquellen*, containing the documentary history of the Hanseatic embassy to Moscow in 1603; and of the following forthcoming publications: Abth. III, Bd. 6, of the *Hanserecesse*, ed. Schäfer, Vol. IV (1361-1392) of the *Hansisches Urkundenbuch*, ed. Kunze, and the first (Cologne, 1531-1571) volume of the *Hansische Inventare*, ed. Höhlbaum.

W. Altmann and E. Bernheim have published a second edition of their *Ausgewählte Urkunden zur Erläuterung der Verfassungsgeschichte Deutschlands im Mittelalter*.

The publications of the Prussian Archives are continued in a 61st volume, being the third and concluding part (1521-1525) of Erich Joachim's *Politik des letzten Hochmeisters in Preussen Albrecht von Brandenburg*. The 62d is part III of L. Keller's *Die Gegenreformation in Westfalen u. am Niederrhein*.

In the series of reports of papal nuncios, the publication of Pallotto's, 1628-1630, edited by H. Kiewning for the Prussian Historical Institute at Rome, has been begun at Berlin, by A. Bath, — *Nuntiaturberichte aus Deutschland, 1628-1630*, Bd. I (cvii, 380 pp.).

The city of Vienna has begun the publication of a series of archival sources for its history, *Quellen zur Geschichte der Stadt Wien*, of which the first part has the special title: *Regesten aus in- und ausländischen Archiven, mit Ausnahme der Archiven der Stadt Wien* (Vienna, Konegen).

The Société Générale d'Histoire Suisse has completed the publication of the late Georg von Wyss's *Geschichte der Historiographie in der Schweiz* (Zürich, 338 pp.), edited by G. Meyer von Knonau.

Noteworthy articles in periodicals: L. Pastor, a report on recent publications, in *Revue des Questions Historiques*, April; Moriz Ritter, *Untersuchungen über die pfälzische Politik am Ende des Jahres 1622 und zu Anfang des Jahres 1623* (*Historische Zeitschrift*, LXXIV, 3); O. Krauske, *Friedrich Wilhelm I. und Leopold von Anhalt-Dessau*, *ibid.*, LXXV, 1); *Frederick the Great* (*Edinburgh Review*, April); H. Delbrück, *Der Ursprung des siebenjährigen Krieges* (*Preussische Jahrbücher*, LXXIX, 2); P. Bigelow, *The German Struggle for Liberty* (*Harper's Monthly*, — October); H. v. Sybel, *Neue Mittheilungen und Erläuterungen zur Begrün-*



*ding des deutschen Reiches durch Wilhelm I.* (Historische Zeitschrift, LXXV, 1); H. Delbrück, *Ursprung des Krieges 1870* (Preussische Jahrbücher, LXXIX, 2).

#### NETHERLANDS AND BELGIUM.

It is expected that a new and more commodious building will be constructed at the Hague for the archives of the kingdom of the Netherlands.

In the *Bulletin de la Commission des Églises Wallonnes*, T. VI, 3<sup>e</sup> livr., Dr. W. N. du Rieu prints a report of the Commission's work during 1892-1893, which contains several matters interesting to Americans of Walloon descent and to students of New Netherland.

A publication having some interest for students of the period of American colonization is Pastor G. C. Klerk de Reus's *Geschichtlicher Ueberblick der administrativen, rechtlichen und finanziellen Entwicklung der niederländisch-ostindischen Compagnie* (lxxxv, 323 pp.), published in Batavia, Java, and obtainable from Martinus Nijhoff at the Hague.

A. Delescluse has in the *Revue des Questions Historiques* for April a report on recent books in Belgian history.

The Royal Academy of Belgium has recently published an important memoir, by P. Alexandre, on *Le Conseil Privé aux anciens Pays-Bas* (Brussels, Hayez, 420 pp.). The institution is treated from the earliest times through the Austrian period to 1794.

The eleventh volume of the *Correspondance du cardinal Granvelle*, ed. Piot (Brussels, Hayez, 772 pp.), is concerned with the year 1582.

An important work in Belgian history is L. de Lanzac de Laborie's *La Domination Française en Belgique: Directoire, Consulat, Empire*, in two volumes (Paris, Plon, 465, 409 pp.).

#### NORTHERN AND EASTERN EUROPE.

A translation of the Saga of Olaf Tryggwason, by J. Sephton, has been published by David Nutt, London, in the Saga Library.

There have been issued at Copenhagen (G. E. C. Gad) the first two fascicules (1085-1350) of a *Repertorium Diplomaticum Regni Danici Mediaevalis*, edited by K. Erslev.

The sixth volume of the *Bibliothek russischer Denkwürdigkeiten*, edited by Professor Theodor Schiemann, contains the social-political correspondence of Michael Bakunin with Alexander Herzen and Ogaryov, translated into German, together with a biographical introduction and notes by Professor Michael Dragomanov (Stuttgart, Cotta, cx, 420 pp.).

Noteworthy articles in periodicals: Baron d'Avril, *Les Églises Autonomes et Autocéphales, 451-1885* (*Revue des Questions Historiques*, July); P. Hun-

falvy, *Réflexions sur l'Origine des Daco-Roumains* (Revue Historique, May); reply by A. D. Xenopol (ibid.); Comte Benedetti, *Un Ambassadeur anglais en Orient: Lord Stratford de Redcliffe* (Revue des Deux Mondes, March 1); E. Beauvois, reports on recent Scandinavian historical publications, in *Revue des Questions Historiques*, April, July.

#### AMERICA.

Francis Parkman's brief autobiography is printed in the *Harvard Graduates' Magazine* for June.

The Federal public document designated as *53d Cong., 3d Sess., Senate Ex. Doc., No. 22*, is a valuable letter from the Secretary of State reporting the results of an examination of the revolutionary archives, except military records, made in pursuance of a clause in the Sundry Civil Appropriation Act of August 18, 1894.

The following dissertations for the degree of Ph.D. have been published in the *Johns Hopkins University Studies in Historical and Political Science*: T. F. Moran, *The Rise and Development of the Bicameral System in America* (May); J. C. Ballagh, *White Servitude in the Colony of Virginia* (June-July); R. D. Hunt, *The Genesis of California's First Constitution* (August); W. A. Wetzel, *Benjamin Franklin as an Economist* (September); J. A. Silver, *Provisional Government of Maryland, 1774-1777* (October). At Cornell University the following were the subjects of doctoral dissertations: M. A. Federspiel, *The Origin of the Constitution of the United States*; Miss C. H. Kerr, *The Origin and Development of the United States Senate* (now printed); Miss L. C. Sheldon, *The Relations of the French Government to the American Revolution, 1763-1778*; C. C. Swisher, *The Causes of the Mexican War*. At Columbia College, R. M. Breckenridge, *The Canadian Banking System*; F. E. M. Bullowa, *The History of Sovereignty*. At the University of Wisconsin, C. J. Bullock, *The Financial History of the United States, 1775-1789*; O. G. Libby, *Distribution of the Vote on the Ratification of the Constitution*. At the University of Michigan, F. Dixon, *Railway Control in Iowa*; Miss A. M. Soule (A. M. degree), *The International Boundary of Michigan*; and that of Mr. Travis, elsewhere noted. At Harvard, W. E. B. DuBois, *The Suppression of the African Slave Trade in the United States*. At the University of Pennsylvania, L. R. Harley, *The Fisheries Dispute*. At Brown University, J. Q. Dealey, *The Early Constitutional History of Texas*. At the University of Chicago, J. W. Thompson, *The Growth of the French Monarchy under Louis VI.*

The *Publications of the American Jewish Historical Society*, No. 3, contains papers presented at the society's third annual meeting, in December, 1894. The most important are papers on the earliest rabbis and Jewish writers of America (Brazil, etc.), by Dr. M. Kayserling of Buda-Pesth, on the American Jew as soldier and patriot (Civil War), by Hon. Simon Wolf,

on the early history of the Jews in New York City, by A. M. Dyer and M. J. Kohler, and on early Jewish literature in America, by Geo. A. Kohut.

The Pilgrim Society of Plymouth, Mass., has set up a bronze tablet at Scrooby, England, to mark the site of the home of Elder William Brewster.

The Historical Society of Pennsylvania has undertaken to obtain, from the original in the Public Record Office, a full copy of the journals of the Board of Trade and Plantations. The subscriptions for the purpose have already reached the figure deemed necessary, \$2000 per annum for five years, and the work has been begun.

On May 13 the two hundred and eighty-eighth anniversary of the settlement of Jamestown was made the occasion of a celebration, organized jointly by the College of William and Mary and the Association for the Preservation of Virginia Antiquities. Professor John Leslie Hall of the college presided; a poem was read by its librarian, Mr. Charles W. Coleman; and a historical address was delivered by President Lyon G. Tyler.

The capture of Louisbourg in 1745 was commemorated on June 17 by the unveiling of a monument erected at Old Louisbourg by the Society of Colonial Wars. Mr. Howland Pell, Secretary-General of the Society, presided, and read an address by the Governor-General of the Society, Gen. Frederic J. De Peyster. There were also addresses by Dr. J. G. Bourinot of Ottawa, president of the Royal Society of Canada, Hon. M. P. Wheeler of New York, and Mr. Edward F. Delancey.

Mr. George P. Humphrey, of Rochester, N. Y., has reprinted, in an edition of 300 copies, *Observations on the Inhabitants, Climate, Soil, Rivers, Productions, Animals, and other matters worthy of Notice, made by Mr. John Bartram in his Travels from Pensilvania to Onondago, Oswego and the Lake Ontario*, with Kalm's account of Niagara, London, 1751.

In the series of "American History Leaflets" edited by Professors Hart and Channing, No. 20, issued in March, contains the exact text of the Articles of Confederation, with the Franklin and Dickinson drafts, all edited from the original manuscripts in the possession of the Department of State.

In Mr. B. F. Stevens' series of *Facsimiles of MSS. in European Archives relating to America, 1773-1783*, Vol. XXIII has now been issued.

The *American Historical Register* for August prints a first instalment of the regimental book of the First Regiment of the Pennsylvania Line, 1782-1783.

Mr. Paul L. Ford prints in the *Nation* for July 25, 1895, a letter of Jefferson's which reached him too late for insertion in his edition of Jefferson's writings, but which is of much importance for the light it throws on the development of his opinions while in France. It was written in 1785 from Fontainebleau to Rev. James Madison.

The Joint Committee of the Fifty-third Congress on Printing provided for a compilation in several volumes of the annual, special, and veto messages, the inaugural addresses and proclamations, of all the Presidents from 1789 to 1894. Hon. James D. Richardson of Tennessee is in charge of the work, and has the first volume partially ready for the printer.

Professor William P. Trent, of the University of the South, will this winter give an extended course of lectures at the University of Wisconsin, on Southern Statesmen of the Old Régime. The lectures will subsequently be printed. The period covered will extend from 1789 to 1861.

No. 6 of the *Bulletin* of the Bureau of Rolls and Library of the Department of State, being its issue for July, 1894, has just been published (541 pp.). It contains the first part — Letters from Jefferson — of a highly useful Calendar of the Jefferson MSS. in the Department of State.

In the general series of the "Old South Leaflets," No. 56 is *The Monroe Doctrine*, with bibliographical and other notes. No. 57 contains extracts from all the important English translations of the Bible, with similar explanatory and historical matter.

In the July number of the *Collections and Proceedings* of the Maine Historical Society, the most extensive article is that by the Rev. Dr. H. S. Burrage on the St. Croix Commission, 1796-1798. To a large extent the paper is based on new MS. material recently acquired by the Society. Hon. G. L. Rives of New York, great-grandson of the British commissioner, Thomas Barclay, has presented to the Society a large collection of documents relating to the boundary; another, once belonging to the British agent, was rescued from a Boston junk-shop by Mr. W. H. Kilby, and by him presented to the Society. It will also come into possession of an important collection of autographic material through the bequest of the late Dr. S. H. Fogg of Boston. The same issue contains the deposition of Brig.-Gen. Wadsworth before the court of inquiry on the Penobscot Expedition.

The ninth volume of the second series of the *Proceedings* of the Massachusetts Historical Society contains the record of its meetings from April, 1894, to February, 1895. The contents include tributes to Dr. Holmes, Hon. R. C. Winthrop, Rev. Dr. G. E. Ellis, and Judge E. R. Hoar, and memoirs of Edwin L. Bynner, Professor Henry W. Torrey, Dr. Henry Wheatland, and Mr. Edward J. Lowell. Beside Dr. Green's elaborate bibliography mentioned below, a large part of the volume consists of hitherto unpublished letters of Dr. Isaac Watts to New England correspondents. At a meeting of the society in June Dr. Samuel A. Green read a paper on Benjamin Thompson (H. U. 1662), the earliest native American poet of English race. Dr. Green has reprinted from the society's *Proceedings*, in an edition of 200 copies, a valuable *List of Early American Imprints belonging to the Library of the Massachusetts Historical Society*.

The New Hampshire Historical Society is making large additions, including a fire-proof vault, to its building. It has recently published Part 4,

completing Vol. II of its *Proceedings*. The Society has received from the estate of the late Governor C. H. Bell a large and most important collection of pamphlets relating to New Hampshire history, perhaps the completest to be found in the state, also two large boxes of MSS. and other papers from the estate of Lorenzo Sabine.

The Boston Record Commissioners have issued their twenty-fifth report. It contains the selectmen's minutes from 1776 to 1786.

The genealogical collections made by Professor Corydon L. Ford have, in accordance with the terms of his will, been deposited in the library of the New England Historic Genealogical Society. The society celebrated its fiftieth anniversary on April 19, Mr. C. C. Coffin delivering an oration.

Mr. Sidney S. Rider of Providence has reprinted in a small edition, with careful historical introduction, the Rhode Island Laws of 1719, of which the original has become rare.

The ninth volume of the *Early Records of the Town of Providence* has been issued by the commissioners. It extends from 1678 to 1750.

The second volume of the *Public Records of the State of Connecticut*, edited by Dr. C. J. Hoadly, may be expected soon.

The New York Historical Society has recently issued the volume of its *Collections* for 1889 (Deane Papers, Vol. IV, 1779-1781).

A new building is being erected at Utica for the Oneida Historical Society, at a cost of \$50,000. It is to be called the Munson-Williams Memorial Building, and is to contain an auditorium, rooms for the library and collections of the society, storerooms and a fire-proof vault. The corner-stone has been laid.

A general index, to count as Vol. XX, will complete the second series of the *Pennsylvania Archives* printed by the state. Vol. IV of the third series has been published; Vol. III, destroyed by fire last January, has not been reprinted. The report of the commission to locate the site of the forts of the French and Indian War, and other forts subsequently erected for the protection of the frontiers of Pennsylvania, is now being printed in two volumes. The removal of the executive departments at Harrisburg into the new building has brought to light some valuable records, especially of the Revolutionary period, which will be published in subsequent volumes of the *Archives*.

Early next year a new volume of the *Calendar of Virginia State Papers* will probably appear, containing the first part of the series of letters from the governors of the state. It is gratifying to know that this volume will have a good index. A book on the Colonial Councillors of Virginia may also be expected, from competent hands. An *Economic History of Virginia in the Seventeenth Century*, by Philip A. Bruce, is announced.

Mr. Edward W. James has begun the publication at Richmond of the *Lower Norfolk County Virginia Antiquary*, intended to be continued semi-

annually and to deal with the antiquities of the portion of Virginia comprising the present counties of Norfolk and Princess Anne and the cities of Norfolk and Portsmouth, — a region which from 1637 to 1691 was called Lower Norfolk County. As the editor and proprietor issues the serial "exclusively for his own pleasure," says the introduction, "there will be no notes and no queries — no questions asked and none answered." A few copies will be for sale with Messrs. J. W. Randolph and Co., Richmond. The first number contains lists of owners of land and slaves in Princess Anne County in 1771, 1772, 1773, and 1774, and of owners and employers of slaves in 1860, documents relating to witchcraft, to an election of vestrymen in 1761, and to the opposition of the Norfolk aldermen of 1799 to the Virginia Resolutions.

Mr. J. J. Casey, of 26 East 129th Street, New York, has printed and offers for sale an index to the personal names in the volumes of Hening's *Statutes at Large of Virginia* and of Shepherd's continuation of Hening.

The *State Records of North Carolina, 1776-1790*, are now being compiled under the editorship of Judge Walter Clark, of the Supreme Court, and are partly printed. They will comprise four or five volumes exclusive of the index, which will cover both the *Colonial* and the *State Records*.

Mr. William Beer, librarian of the Howard Memorial Library at New Orleans, is preparing a careful historical bibliography of Louisiana from materials collected in the libraries of America and Europe. The bibliography will be classified, the books in each class being arranged by authors in alphabetical order; there will also be an author-index.

The forthcoming year-book of the Kentucky Society of Sons of the American Revolution will contain the roll of Revolutionary pensioners in Kentucky; the roll of officers and soldiers of Virginia to whom land grants were made in Kentucky; the roster of the Virginia navy, and the roster of the regiment of George Rogers Clark.

The Secretary of State of Michigan has recently reprinted the journals of the Michigan Convention of 1836, and those of certain extra and special sessions of the Legislative Council of 1834 and 1835. A unique and invaluable collection of pamphlet and other materials for Michigan history, formed by O. A. Jenison, has been purchased by the state library.

The Draper Manuscripts, covering the history of the trans-Alleghany country from about 1740 to 1816, have finally been classified and bound, under the direction of Secretary Thwaites, of the Wisconsin Historical Society at Madison, and are now open to the inspection of scholars, under certain restrictions necessary to a proper administration of the trust. They number 390 large folio volumes, and comprise such treasures as the papers of Daniel Boone, George Rogers and William Clark, Daniel Brady, Simon Kenton, General Sumter, Joseph Brant, and Louis Wetzel, besides abundant material on the several Western Indian campaigns of the eighteenth century. Secretary Thwaites is editing Vol. 13 of the Wisconsin Historical

Collection, which he hopes to have off the press before the close of the year, and is actively preparing his *Life of George Rogers Clark*. The Society's library has lately had rich acquisitions for the original study of English history. Plans for the Society's new library, which is to be erected in the neighborhood of the State University, have been secured, and work on the building is to commence early next spring. It is intended to erect a noble structure, at a cost of about \$350,000, and ultimately the State University library will be taken in under the same roof and be in the general charge of the Society. The Society has printed an admirable treatise on the Free Soil Party in Wisconsin, by Theodore C. Smith, a model essay of the kind.

The Historical Department of Iowa has issued its first biennial report, made to the trustees of the State Library by Mr. Charles Aldrich, curator (Des Moines; 122 pp.). It gives an account of the establishment of the Department in 1892, and a catalogue of the collection of autographs, newspapers, pamphlets, and other materials for Iowa history since gathered. The nucleus of the collection was a donation by Mr. and Mrs. Aldrich. The last issue (Vol. I, No. 8) of the *Annals of Iowa* published by the Department contains articles on Hiram Price, on Fort Armstrong, on the Des Moines River Land Grant, and on the southern boundary line of Iowa and the "border war" between that state and Missouri; also, four letters (1807) of Governor William Clark the explorer and Nathaniel Pryor.

The Canadian government has issued the *Report on Canadian Archives for 1894*, by Douglas Brymner, LL.D., Archivist of the Dominion, continuing a record of extraordinary and fruitful activity. Dr. Brymner reports the receipt from London of transcripts of state papers relating to Upper and Lower Canada down to 1832, and of an instalment of papers from Paris. The work of transcription of documents relating to the other provinces was begun in 1892. Calendars for all these provinces are ready for the printer. The present report consists chiefly of the calendar of Nova Scotia papers, 1603-1801, including, down to the dates of disjunction, papers relating to Prince Edward Island, New Brunswick, and Cape Breton. The papers, gathered from the Public Record Office, the British Museum, the Colonial Office, and Lambeth Palace, contain, besides the most abundant information respecting the history of Nova Scotia, material for the history of the colonial wars, of the emigrant Loyalists, of the separatist movement of the Nantucket Quakers (1785), of Sierra Leone, and of the Duke of Kent.

Preparations are getting under way in Canada to celebrate the four-hundredth anniversary of the discovery of North America by John Cabot in 1497. An extensive programme has been outlined. It is proposed to hold an International Historical Exhibition at Toronto in 1897 and to bring together interesting relics, records, and illustrations of social progress during the last four hundred years. The Exhibition Committee has the Earl of Aberdeen, the Governor-General of Canada, as honorary president. The Duke of York will possibly open it and the British Association will meet at Toronto in 1897.



No. 5 in the Publications of the Michigan Political Science Association (July, 1895) is entitled *British Rule in Central America, or, a Sketch of Mosquito History*, by Ira D. Travis, Ph.M. Its account of events since 1880 seems to be based entirely on *Sen. Ex. Doc. 20* of the last session of Congress, the book of 207 pages in which was transmitted the correspondence relating to affairs at Bluefields. The sentiment of Mr. Travis' pamphlet is anti-British.

The Hakluyt Society is soon to bring out a translation of the journal of Pedro Sarmiento kept during his voyage to the Straits of Magellan in 1579-1580, with accompanying documents, edited by Mr. C. R. Markham.

Noteworthy articles in periodicals (Period before 1607): Ed. Seler, *Ueber den Ursprung der altamerikanischen Kulturen* (Preussische Jahrbücher, March); and see Häbler, under Spain and Portugal. In the *Revue Critique d'Histoire et de Littérature*, 1895, No. 12, is a vehement anonymous criticism of Fernandez Duro's *Pro Academia Hispaniensi*, in which Captain Duro attempted to defend the Royal Academy of History from the attacks of M. Henry Harrisse. B.-A.-V., *Sébastien Cabot, navigateur vénitien* (*Revue de Géographie*, January to March); Levasseur, *Christoph Colomb, d'après la "Raccoltà di documenti e studi" publiée par la "Commissione Colombiana"* (*ibid.*); *La Marine au temps de Colomb, d'après M. d'Albertis* (*ibid.*, March, April); Georlette, *Améric Vespuce dans l'Histoire et dans la Légende* (*Bulletin de la Société Royale de Géographie d'Anvers*, XIX, 1).

(Colonial): John Fiske, *John Smith in Virginia* (*Atlantic Monthly*, September); various Virginian inedita, 1638-1691, in *Virginia Magazine of History*, July; E. R. A. Seligman, *The Income Tax in the American Colonies and States* (*Political Science Quarterly*, June); J. S. Bassett, *Landholding in Colonial North Carolina* (*Law Quarterly Review*, April);

(Revolutionary, — 1789): V. Coffin, *The Quebec Act and the American Revolution* (*Yale Review*, August); W. C. Morey, *Sources of American Federalism* (*Annals of the American Academy of Political Science*, September); H. Friedenwald, *The Continental Congress* (*Pennsylvania Magazine of History*, July); P. L. Ford, *The Adoption of the Pennsylvania Constitution of 1776* (*Political Science Quarterly*, September); *id.*, *Pinckney's Draft of a Constitution* (*Nation*, June 13);

(Period from 1789 to 1861): P. L. Ford, *The Authorship of Giles' Resolutions* (*Nation*, September 5); A. C. McLaughlin, *The Western Posts and the British Debts* (*Yale Review*, May); F. A. Walker, *The Growth of American Nationality* (*Forum*, June); W. Wilson, *The Proper Perspective of American History* (*Forum*, July); J. Schouler, *President Polk's Diary* (*Atlantic Monthly*, August); *id.*, *President Polk's Administration* (*ibid.*, September);

(Period since 1861): E. B. Andrews, *History of the last Quarter-Century in the United States* (*Scribner's Magazine*, — October); J. D. Cox, *How Judge Hoar ceased to be Attorney-General* (*Atlantic Monthly*, August).